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Southern Methodist University

School of Law Fall 1991

THE BRIEF



The Persian

Gulf war

and future

energy policy

THE BRIEF

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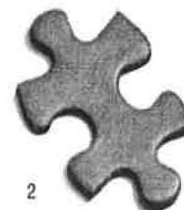
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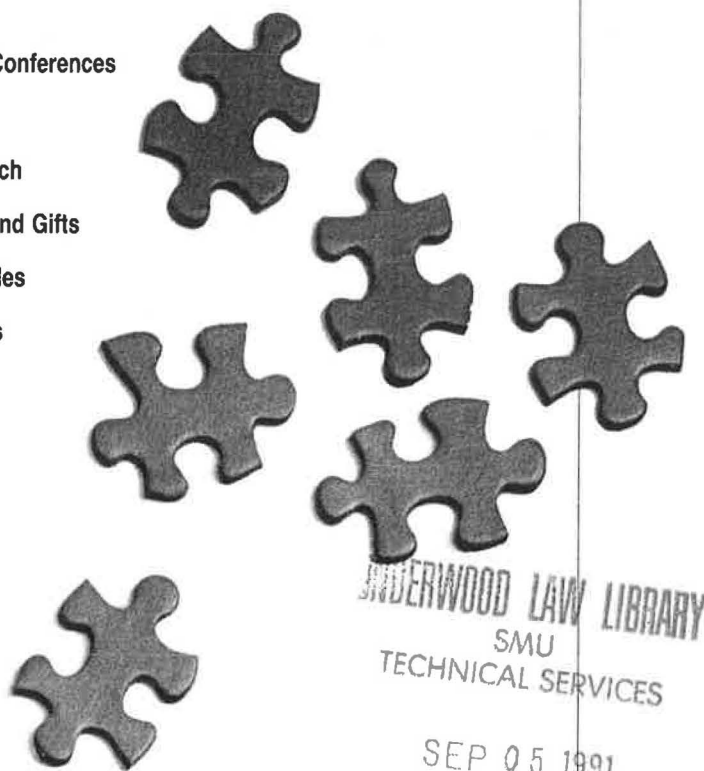
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THE GULF WAR

LESSONS

FROM

THE

ENERGY

CRISIS

THAT

MIGHT

HAVE

BEEN

When Iraq invaded Kuwait on August 2, 1990, many pundits predicted a return of the long gas lines and dimmed lighting that accompanied the 1973 Arab Oil Embargo. It never happened. Instead, after an initial surge, world oil prices stabilized. By the time that the United States and its allies began the liberation of Kuwait, world oil production had regained its pre-war level, despite the loss of Kuwaiti and Iraqi supplies, and prices were just 25 to 30 percent higher. What happened—or did not happen? The story is an interesting saga of energy policy and international law that suggests some important lessons for the United States as we consider future energy policies.

By John S. Lowe

OPEC AND PRE-CRISIS WORLD OIL MARKET DYNAMICS

World oil markets proved highly unstable in the 1970s and 1980s. In the first eight years of the 1970s the Organization of Oil Producing Countries (OPEC) used its market leverage to push the average price of oil from less than \$2 per barrel to nearly \$18 per barrel. World oil consumption grew to over 65 billion barrels per day, nearly 50 percent of which was provided by OPEC. Panic-buying resulting from the outbreak of the Iranian Revolution in 1979 sent prices to almost \$40 per barrel, where they remained through 1982.

High prices spurred major conservation efforts and substantial increases in the production of non-OPEC oil, however, which put both the high prices and OPEC's share of the market under pressure. By 1985, world oil consumption had dropped five to six million barrels per day below 1979 levels. Non-OPEC countries had increased their production by six million barrels per day over the same period. OPEC's market share was cut nearly in half, from 31 million barrels per day back to 16 million, as OPEC fought to stabilize prices at \$25 to \$30 per barrel with production curtailments. Nonetheless, excess world oil production capacity grew to nearly 10 million barrels per day by the mid-1980s.

OPEC could maintain high prices only by continuing to cut production, which put the economies of its member countries at risk. In 1980 the OPEC countries' revenues were \$284 billion. By 1986 they had plummeted to \$77 billion. At Saudi Arabia's insistence, OPEC shifted to a market-share strategy, opening the oil spigot and collapsing prices to \$10 per barrel, before restoring official quotas intended to sustain a price

of \$18 per barrel.¹

The drop in prices in 1986 stimulated both oil use and economic growth in the oil-consuming nations, but it devastated their domestic oil industries. U.S. oil production quickly fell by two million barrels per day, while imports increased by three million. By 1990 the United States was importing more oil than at any time since 1974, nearly 45 percent of the total consumed. OPEC's share of the record-high world demand for oil had increased to 40 percent. The stage seemed set for another energy crisis, and Iraq's attack on Kuwait appeared to many to be the opening act.

The media was filled with predictions of shortages and astronomical prices in the first days after Saddam Hussein sent Iraqi troops into Kuwait. Oil prices did increase. In the panic that followed the invasion and the imposition of United Nations sanctions embargoing Kuwaiti and Iraqi oil, prices nearly doubled—to \$30 a barrel—and they briefly hit close to \$40 in early October. But in general, prices bounced between \$25 and \$35 in response to peace proposals and rejections.

The initial success of Operation Desert Storm triggered an unprecedented \$10 crash in oil prices in a single day, dropping prices below \$20. Scud missile attacks against Israel and Saudi Arabia brought prices back to the \$20 to \$25 range, but with the collapse of Iraqi resistance, prices hovered around \$20.

This was no energy crisis. Nobody had frozen in the dark. There had been no long gas lines, no early closings, no unconscionable profits—despite the loss to the market of about the same percentage of oil as was withheld in the 1973 Arab oil embargo. Those who had prophesied economic chaos were wrong.



If Saddam Hussein
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Iraq's hegemony
over Kuwait, he
could not have
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to make his move.

WHY THE SKY DID NOT FALL

We can thank both happenstance and planning for the error of the soothsayers. The predicates for an energy crisis just were not present in the Gulf War. The sky did not fall—this time. The lesson to be learned, however, is that another political crisis may bring very different results.

Three factors combined to avert the kind of crisis that had occurred in 1973. First, the invasion of Kuwait came at a time when world oil stocks and unused production capacity were high. The disruption of boycott and war affected a relatively small percentage of world oil supply, and nations with excess production capacity quickly made up the loss. Second, the consuming nations had implemented international treaties to share shortages and mitigate price shocks, and those devices worked. Bottlenecks were few, and short-term "cushion" supplies were there when they were needed. Finally, the triumph of allied arms was swift and complete, resulting in no additional supply losses.

High World Oil Stocks and Redundant Capacity

If Saddam Hussein thought that the consuming nations' voracious thirst for oil would force them to recognize Iraq's hegemony over Kuwait, he could not have picked a worse time to make his move. When Iraq invaded Kuwait, inventories of oil were at their highest levels in years, sufficient for approximately 100 days of consumption and several days above normal operating levels.² On August 2, what had been a troubling surplus that had forced oil prices below \$15 per barrel became a valuable cushion that steadied market reactions.

Even more important, world unused production capacity was greater than combined Iraqi and Kuwaiti production. Iraq produced about

3 million barrels of oil per day in July 1990, and Kuwait about 1.5 million barrels—a total of about 4.5 million barrels per day. Producing countries outside the scope of Iraq's menace—Libya, Iran, Indonesia, Nigeria—possessed immediate additional sustainable capacity of approximately 2 million barrels per day. The United Arab Emirates and Saudi Arabia, though threatened, maintained another 2.8 million barrels per day unused production capacity.³ Oil lost to the market as a result of the United Nations' embargo of oil from Iraq and Kuwait was quickly replaced. There never was a real shortage of oil.

The IEA and the Strategic Petroleum Reserve

The Arab oil embargo of 1973 taught the oil consuming nations the perils of lack of unity. In 1974 the Organization for Economic Cooperation and Development (the OECD) was born, with one explicit goal being to share the burden of future oil disruptions. Today, OECD membership includes all of the major industrial nations of the world but France and the Soviet Union.

The International Energy Agency (the IEA) is the collective organization established by the OECD to implement policies. Chief among its arsenal of defenses is the Emergency Sharing System, which requires member countries to share large supply shortfalls according to a complicated formula that takes into account historical oil consumption.

The IEA swung immediately into action in August, but restricted its actions to "jawboning" its members to share supplies and restrain demand until mid-January 1991. At that time it adopted an emergency response contingency plan to make available to the market an additional 2.5 million barrels of oil per day in the event of war, as well as to "restrain



There are far
more likely—
and dangerous—
scenarios for
disruption of the
oil markets
than Saddam
Hussein's
foolhardy invasion
and resistance.

demand" by an additional 500,000 barrels per day. The United States agreed to supply 1.1 million barrels per day from the Strategic Petroleum Reserve, the nearly 600-million-barrel underground reserve established to meet obligations to the IEA and to provide short-term energy security. In addition, the Bush Administration waived the Jones Act provisions requiring that only U.S. flag tankers move oil between U.S. ports.⁴ The IEA's actions were an important factor in steadying the market. Indeed, the decision to release oil from strategic reserves probably contributed to the price collapse when hostilities began.

The Triumph of Allied Arms

The final important pillar of world oil markets during the Gulf War was the speed and precision of the allied victory. Though war machines added to world oil consumption, the increased use lasted less than a month and was partly offset by a decline in economic activity that began well before allied planes attacked Baghdad. In addition, the oil trader's nightmares—Iraqi chemical attacks upon Saudi or UAE production or refining facilities or systematic sabotage by workers sympathetic to the Iraqi cause—never materialized. Victory was complete, and the war's devastation was limited to Kuwait and Iraq.

LESSONS TO BE LEARNED

Few teachers can resist the temptation to try to extract lessons from events. Important instruction may be taken from the Gulf War and the events that led up to it. We may hope that our leaders have duly noted the lessons, but in case they have not, it is both our duty and to our advantage as citizens to draw their attention to them.

First, the international consulta-

tive and decision-making process the oil consuming nations constructed in the OECD and the IEA worked. Instead of indulging in the cut-throat competition for supplies that marked the Arab oil embargo of 1973, the major consuming nations cooperated to share available supplies and eliminate bottlenecks.

Second, we were lucky. Had world oil supplies been tight, had unused production capacity not been quickly available, had Iraq used weapons or sabotage against Middle Eastern production or refining facilities, panic might have followed.

Third, we might not be so lucky the next time. There are far more likely—and dangerous—scenarios for disruption of the oil markets than Saddam Hussein's foolhardy invasion and resistance. One is the overthrow of the Saudi monarchy by religious fanatics or disaffected left-wingers. Another, and my personal favorite bet, is sustained interruption of Soviet oil production by ethnic unrest. The Soviet Union is the world's largest oil producer, and after Saudi Arabia, the world's largest exporter of oil. Azerbaijan, one of the centers of ethnic conflict, is the major source of the technology and support services of the USSR's oil industry. Extended conflict in the Soviet Union's oil producing regions, or in Azerbaijan alone, could have momentous impact upon world oil supplies.⁵

Finally, what could have happened had the Gulf Crisis played out differently underscores the need for a coherent energy policy for the United States. Energy security must be one of our primary goals, and it is well within our reach. There is a wide range of specific actions that might get us where we need to go—ranging from embracing some form of nuclear power, to pur-

chasing excess capacity in "safe" producing locations, to increased domestic exploitation, to import fees, gas taxes, or carbon taxes, to serious conservation efforts.⁶

What we have lacked over the past twenty years is the national will to make the hard choices required for a coherent policy. I hope that what President Bush has called the New World Order and the sense of unity generated by the Gulf War will give us the drive to make those decisions soon. We might not be so lucky next time.



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The author gratefully acknowledges the assistance of Eric N. Whitney (3L) in preparing this paper.

¹ Arthur Anderson Worldwide Org. & Cambridge Energy Research Associates, *World Oil Trends* 2 (1991). In fact, the world market price at the end of July 1990 languished at about \$15 per barrel because many of OPEC's members failed to stick to their production quotas.

² Cambridge Energy Research Associates, *Global Energy Alert*, Aug. 2, 1991, at 2.

³ *Id.* at 2-3.

⁴ 50 U.S.C.A. § 1601 (West 1983). In January 1991 only five U.S. flag tankers were available to transport Strategic Petroleum Reserve oil. Waiver was important in avoiding a market bottleneck because 60 percent of U.S. refineries lack access to pipelines serving Strategic Petroleum Reserve sites.

⁵ Daniel Yergin discusses the risk that unrest in the Soviet Union will have a major impact upon world energy in *The Prize* 773-74 (Simon & Schuster 1991).

⁶ The Energy Department has summarized the alternatives in *National Energy Strategy* (Feb. 1991). A congressional view is found in *Energy Policy* (General Accounting Office, June 1990).

NOTES^{as} SECURITIES

REVES AND ITS IMPLICATIONS

By Marc J. Steinberg



PRIOR TO THE SUPREME COURT'S DECISION IN *REVES* V. *ERNST & YOUNG*,¹ THE LOWER FEDERAL COURTS WERE SHARPLY DIVIDED ON THE APPLICABLE CRITERIA TO BE EMPLOYED IN DETERMINING THE SECURITY LAW STATUS OF NOTES. THE TESTS USED INCLUDED THE FAMILY RESEMBLANCE APPROACH, THE COMMERCIAL/INVESTMENT STANDARD, THE RISK CAPITAL TEST, AND THE *HOWEY*² CRITERIA. GIVEN THE DIVERGENT APPROACHES, THE SUPREME COURT'S DECISION IN *REVES*, ALTHOUGH FAR FROM BEING A MODEL OF CLARITY, HELPS TO RESOLVE AMBIGUITIES IN THIS AREA.

THE SUPREME COURT'S DECISION

The instruments in *Reves* were demand notes, uncollateralized and uninsured, and paying a variable interest rate. The interest rate was adjusted monthly to be higher than that paid by local financial institutions but was not linked to the earnings of the business. The Eighth Circuit held that the notes were not securities.³ In so doing the court used the *Howey* investment contract test, defined as "(1) an investment; (2) in a common enterprise; (3) with a reasonable expectation of profits; (4) to be derived from the entrepreneurial or managerial efforts of others."⁴ Applying the *Howey* test, the court found that the demand notes failed to satisfy the requisite elements.

The Supreme Court reversed. In determining the proper test to be applied, the Court rejected application of the *Howey* test to notes. Since the *Howey* test was designed to determine whether an instrument was an investment contract, the Court found the test inappropriate in the context of a note.⁵ The Court also rejected the *Landreth Timber*⁶ formula in the note context. Unlike stock, which is within the class of instruments Congress intended to regulate under the securities laws,⁷ notes are used in a variety of settings, some commercial and others involving investments.⁸ Hence, since notes are not necessarily securities, the Court, after searching for a proper standard to apply, opted for the four-factor family resemblance test.⁹ First, what are the buyer's and seller's reasons for the transaction? If the seller intends to raise money for capital-related purposes and the buyer expects to make a profit, the note underlying the transaction likely would be considered a security; if the seller intends the note to advance other business needs, it may not be categorized as a security. Second, looking to the plan of distribution, is the note subject to common trading for speculation or investment? Third, would investors be reasonable in regarding the note as a security? Fourth, is the risk of the investment lessened by another regulatory scheme that would obviate the need for protection under the securities acts? The Court concluded that a note shall be presumed to be a security unless that presumption can be rebutted by reference to the four-factor test it outlined.¹⁰

Applying the family resemblance test in *Reves*, the Supreme Court held that the notes at bar came within the purview of the securities laws: The notes were sold in an effort to raise capital for general business operations and were purchased by investors in order to earn a profit; the plan of distribution was widespread; the public's reasonable expectations were that

the notes were securities as they were advertised as investments; and there was no risk-reducing factor, such as the presence of other comprehensive regulation, that minimized the risk of loss.¹¹ Moreover, the demand nature of the notes did not take them outside the reach of the federal securities laws in that their liquidity did not nullify the investment's risk. Accordingly, the Court held that such promissory notes are securities.¹²

ISSUES RAISED BY REVES

The Court's decision in *Reves* resolves a number of issues, yet leaves others unsettled.

Rejection of the Howey Test

.....

The Court's rejection of the *Howey* test in the note context is significant. With the exception of stock, some lower courts had advocated that the *Howey* test be applied, irrespective of the nature of the instrument.¹³ The Supreme Court's rejection of this interpretation may signal that *Howey's* relevance is confined to investment contract analysis. Indeed, if any applicable standard has widespread application in defining the term security, it is the family resemblance test. Referring to this test, the *Reves* Court stated that the factors comprising that test are the ones that the Court has looked to when determining whether a transaction involved a security.¹⁴

On the other hand, an argument can certainly be made that the *Howey* and family resemblance tests are quite similar. For example, under either test in order for a security to exist, (1) investment, as compared to commercial, motives must underlie the transaction, (2) the investing public must reasonably believe that such instrument is being offered as a security, hence with a reasonable expectation of profit for investors, (3) the instrument must be capable of mass distribution or widespread trading, and (4) no alternative regulatory framework significantly reduces the investment's risk of loss.

Thus, in many cases, a note will be a security if it meets the *Howey* test, even if the family resemblance test is the applicable standard.¹⁵ Key differences between the two standards, however, may exist. The most significant is that profit is defined expansively under the family resemblance test, thereby having the effect of bringing certain notes within securities law

coverage that would otherwise be excluded under *Howey*.¹⁶ Another is that a security may be present even if all the factors of the family resemblance test are not met. By contrast, all factors of the *Howey* investment contract test must be satisfied in order for an instrument to come within the purview of the federal securities laws.¹⁷ Although this issue awaits judicial clarification, application of a flexible family resemblance approach using a four-factor weighing analysis would expand securities law coverage of notes beyond that otherwise permitted by *Howey*.

Application of the Four-Factor Standard

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In adopting the four-factor family resemblance test, the Court declined to state whether all factors must be met or whether the standard calls for balancing the various factors. The Court's language here is somewhat ambiguous. However, it may be argued that, if the following elements are met, the instrument should be deemed a security. First, is certainty of motive. Unless it is clear that both seller and buyer know that the notes are being used solely for commercial rather than investment purposes, the notes should be deemed securities, provided that the next three factors also are met. Second, consistent with the Court's prior interpretations, the notes should be capable of being widely distributed, even if there are in fact few offerees and purchasers and no common trading of the instrument.¹⁸ Third, in the manner that the instrument is advertised or otherwise marketed, a reasonable person would conclude that an investment security is being offered. This standard is an objective one and complements the subjective analysis of the first factor of the test. Fourth, the instrument is not subject to comprehensive oversight by another regulatory framework that significantly lessens (or insures against) the risk of loss. This functional regulation element is subject to criticism,¹⁹ but is consistent with the *Weaver* analysis.²⁰ If the foregoing factors are met, then the note should be considered a security.

Definition of Profit

.....

The Court's definition of profit in *Reves* is vitally important. Under *Howey*, profits generally have been defined to include capital appreciation or a participation in the earnings of the business.²¹ If this definition

were to be applied in the note context, many such instruments, such as those in *Reves*, would not have the requisite profit attributes to be defined as an investment within the purview of the securities laws. For example, the demand notes in *Reves* paid a fixed rate of interest not keyed to profits. Importantly, the Court held that the *Howey* definition of profit did not apply in this context and may well be confined to investment contract analysis; rather, in the note setting, profit means an investment having a valuable return, including interest.²² As a result, for a note to have a valuable return, it must pay interest to the holder above the generally prevailing rate offered by instruments that are deemed safe. Such safe instruments would include notes that are adequately insured and other instruments where the rate of default (both from a prospective and historical view) is practically nil. Generally, an investor purchases a note lacking these more secure characteristics for the purpose of receiving a return that may be deemed substantial, and hence, valuable. At the same time, when an investor seeks a more valuable return, the risk of loss is magnified. As a consequence, such factors as the presence of an investment, the prospect of a valuable return, and the lack of other comparable regulation call for the instrument to come within the coverage of the securities laws.

Notes Exceeding Nine Months

.....

The Court's holding articulates that a note is presumed to be a security unless the note bears a strong resemblance (by looking to the four-factor family resemblance test) to an instrument that has been excluded from the securities laws' reach or unless application of the family resemblance test indicates that the note ought to be excluded.²³ The Court, however, declined to address whether this presumption applies to securities with a maturity not exceeding nine months.²⁴ Chief Justice Rehnquist, writing for a four-member dissent, would exclude notes of nine months or less duration from the scope of the securities laws as a matter of law.²⁵ While a literal interpretation of the nine-month exemption contained in section 3(a)(10) of the Exchange Act²⁶ would exclude such instruments from that Act's reach altogether, the exclusion in section 3(a)(3) of the Securities Act²⁷ would exclude such instruments from the registration provisions. The antifraud provisions of the 1933 Act would still apply to such instruments.²⁸ Irrespective of the difference in this statutory language, the Court has

consistently held, and reaffirmed in *Reves*, that the coverage of the two Acts is the same.²⁹ Moreover, each definition is prefaced by the term "unless the context otherwise requires." Employing this language, courts have applied an approach rooted in economic reality to determine whether a particular instrument is a security.³⁰

There can be little question that, from a general perspective, the shorter the time one's money is in another's hands, the less the risk of loss. Nevertheless, such a time period is far from a guarantee of repayment. Other factors are equally, if not more, important, such as the solvency of the seller of the note, the intended use of the proceeds, general market conditions, and the rate of interest required to be paid to service the debt. Indeed, recent financings extended in leveraged buyouts evidence that fairly short-term debt can often be at risk of default.³¹ Hence, a note's duration, although relevant, is not determinative.

Perhaps the better approach is to require the plaintiff to prove by a preponderance of the evidence that a note of less than a nine-month duration is a security.³² As this standard of proof is applied in federal securities litigation at this time,³³ its extension to this particular issue is the least problematic alternative. Hence, if a federal securities claim is brought in this context, one of the elements to establish a successful claim is that the short-term promissory note at issue is a security. With the plaintiff bearing the burden of proof by a preponderance of the evidence, the four-factor family resemblance test should be utilized. Upon application of this standard, a note is a security only if the plaintiff meets the burden of proof.

Status of Commercial Paper

.....

Another important issue is whether the *Reves* decision signifies that commercial paper is not a security. It is clear that the four-member dissent would hold that commercial paper having less than a nine-month duration is not entitled to securities law coverage.³⁴ The majority, although not reaching the issue,³⁵ arguably would exempt from securities law coverage only high quality short-term commercial paper sold to sophisticated investors and intended to finance current operations.³⁶ Justice Stevens, who joined the five-member majority, also wrote a concurrence, opining that the nine-month exclusion applies to commercial paper, and not to investment securities.³⁷ For authority, he relied on the Seventh Circuit's decision in

*Sanders v. John Nuveen & Co.*³⁸ and on an SEC release.³⁹

In *Sanders* the Seventh Circuit held that commercial paper of inferior quality purchased by investors for purposes unrelated to current transactions was a security.⁴⁰ Hence, certain types of commercial paper are investment securities. To determine when short-term commercial paper is not a security, the Seventh Circuit approvingly quoted an SEC release on this issue.⁴¹ According to the release, short-term high quality commercial paper marketed to sophisticated purchasers for facilitating current operations is exempt from securities law coverage.

This standard comports with the family resemblance test: application of the four factors in this setting connotes exclusion from the reach of the securities laws. On the other hand, when an instrument is called commercial paper but is in reality an investment security, the family resemblance test mandates that the instrument be deemed a security.⁴² Otherwise, issuers could seek to evade the securities laws by labeling as commercial paper instruments otherwise having the characteristics of a security. Such an approach, fortunately, is not permitted as it neglects the investor protection principles underlying the securities laws and contravenes the economic reality underlying the instrument.⁴³

Uncertainty for the Corporate Planner

.....

Although the family resemblance test adopted by the *Reves* Court looks to the underlying economic reality of the transaction to determine whether a security is present, the decision offers little solace to the corporate planner. Unless a particular instrument comes within a category that has been excluded from securities law coverage by previous court decisions,⁴⁴ corporate lawyers and their clients are left with little guidance. For planning purposes, the four-factor family resemblance test simply may be too indefinite to provide the necessary guidance for commercial certainty. As courts construe the test over time and establish judicial precedent, a sufficient number of court decisions may impact upon defined categories of instruments to provide a basis for advance planning. Until sufficient precedent develops, however, unless an instrument comes within an excluded category or is nearly identical to such an instrument in all material respects, counsel planning a transaction would be prudent to assume that the federal securities laws apply.⁴⁵

CONCLUSION

The Court's decision in *Reves*, although certainly having its shortcomings, offers a superior analysis to that provided in a number of previous Supreme Court decisions defining the term security. *Reves* is a decision that flexibly permits securities law application. From a planning perspective, however, the decision provides client and counsel little comfort. Unless a note is clearly transacted in a commercial context, application of the family resemblance test leaves open the possibility that a court will construe a given note as coming within the purview of the federal securities laws.



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¹ 110 S. Ct. 832 (1990).

² SEC v. W.J. Howey Co., 328 U.S. 293 (1946).

³ Arthur Young & Co. v. *Reves*, 856 F.2d 52 (8th Cir. 1988).

⁴ *Id.* at 54, citing SEC v. W.J. Howey Co., 328 U.S. 293 (1946).

⁵ 110 S. Ct. at 951.

⁶ Landreth Timber Co. v. Landreth, 471 U.S. 681 (1985).

⁷ *Id.* at 686; see Gould v. Ruefenacht, 471 U.S. 701 (1985); United Housing Foundation, Inc. v. Forman, 421 U.S. 837 (1975).

⁸ 110 S. Ct. at 950.

⁹ *Id.* at 950-51.

¹⁰ *Id.* at 951-52.

¹¹ *Id.* at 952-55.

¹² *Id.* at 953.

¹³ See, e.g., Union Nat'l Bank v. Farmers Bank, 786 F.2d 881, 884 (8th Cir. 1986).

¹⁴ 110 S. Ct. at 951.

¹⁵ See Gordon, *Interplanetary Intelligence About Promissory Notes as Securities*, 69 Texas L. Rev. 383 (1990).

¹⁶ See 110 S. Ct. at 952 n.4.

¹⁷ See *id.* at 953.

¹⁸ *Id.* For prior interpretations of this issue, see Landreth Timber, 471 U.S. at 687, 693 (stock of closely held corpora-

tion not traded on any exchange held to be a security); *Tcherepnin v. Knight*, 389 U.S. 332, 337 (1967) (nonnegotiable but transferable withdrawable capital shares in savings and loan association held to be a security); *Howey*, 328 U.S. at 295 (units of citrus grove and maintenance contract held to be securities although not traded on exchange).

¹⁹ See Steinberg & Kaulbach, *The Supreme Court and the Definition of "Security": The "Context" Clause, "Investment Contract" Analysis and Their Ramifications*, 40 Vand. L. Rev. 489, 513 (1987).

²⁰ See *Weaver*, 455 U.S. at 558-59 (unnecessary for issuers of bank certificates of deposit to be liable under antifraud provisions of federal securities laws since federal banking laws protect holders of such certificates).

²¹ See United Housing Foundation, Inc. v. Forman, 421 U.S. 837, 852 (1975).

²² 110 S. Ct. at 952.

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.* at 958-59 (Rehnquist, C.J., concurring in part and dissenting in part).

²⁶ 15 U.S.C. § 78c(a)(10).

²⁷ *Id.* § 77c(a)(3).

²⁸ See Securities Act §§ 12(2), 17(a), 15 U.S.C. §§ 77l(2), q(a); 110 S. Ct. at 959 (Rehnquist, C.J., concurring in part and dissenting in part).

²⁹ See 110 S. Ct. at 949 n.1, quoting United Housing Foundation, Inc. v. Forman, 421 U.S. 837, 847 n.12 (1975).

³⁰ See, e.g., *Forman*, 421 U.S. at 849 (under economic reality approach instruments called stock were not securities because they did not have characteristics traditionally identified with securities).

³¹ See, e.g., *Mounting Losses Are Watershed Event for Era of Junk Bonds*, Wall St. J., Sept. 18, 1989, at A1.

³² See Exchange Nat'l Bank v. Touche Ross & Co., 544 F.2d 1126, 1137-38 (2d Cir. 1976).

³³ See Herman & MacLean v. Huddleston, 459 U.S. 375 (1983); Steadman v. SEC, 450 U.S. 91 (1981); SEC v. C.M. Joiner Leasing Corp., 320 U.S. 344 (1943).

³⁴ See 110 S. Ct. at 958-59 (Rehnquist, C.J., concurring in part and dissenting in part).

³⁵ *Id.* at 951.

³⁶ *Id.*; see Securities Industries Ass'n v. Board of Governors of Federal Reserve System, 468 U.S. 137, 148-53 (1984).

³⁷ 110 S. Ct. at 955 (Stevens, J., concurring).

³⁸ 468 F.2d 1075, 1080 (7th Cir.), cert. denied, 409 U.S. 1009 (1972).

³⁹ Securities Act Release No. 4412, 26 Fed. Reg. 9158 (1961).

⁴⁰ 468 F.2d at 1079-80, relying on A. Bromberg, *Securities Law, Fraud, SEC Rule 10b-5*, § 4.6 (321) (1971).

⁴¹ 468 F.2d at 1079, quoting Securities Act Release No. 4412 (1961).

⁴² 110 S. Ct. at 951-52.

⁴³ *Id.* at 954.

⁴⁴ See *id.* at 951-52.

⁴⁵ See Holloway v. Peat, Marwick, Mitchell & Co., [1989-1990 Transfer Binder] Fed. Sec. L. Rep. (CCH) ¶ 95,014 (10th Cir. 1990).

THE

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NDERWOOD LAW LIBRARY



By Gail M. Daly

*Twenty years ago,
when the Underwood
Law Library
opened its doors, law
libraries were
basically warehouses
for ever-growing
collections of
law books. Today,
we are in the midst
of a great revolution,
as electronic storage
and retrieval
radically alter legal
education and the
practice of law, and
change forever
the way we conduct
legal research.*

This has been a busy year at the Underwood Law Library, the twenty-third largest law library in the country and the second largest in Texas. New technologies and information formats have been the catalysts for a number of short-range changes and the major impetus for an exciting new long-range plan for the future of the library.

The twenty-three full-time staff of the law library provide a wide range of services to law faculty and students, to the SMU campus, and to the Dallas legal community. Reference librarians, who hold degrees in law as well as in library science, respond to hundreds of legal research questions each month. The library welcomes legal

researchers from the metroplex and makes its services and facilities available to all. Ever-increasing demands on the collection, coupled with significant growth in the amount of available legal information and the legal needs of a global economy, have compelled the law library to take steps to broaden its resources, reorganize its collection, and improve its facilities.

During the 1990-91 academic year, the number of WESTLAW and LEXIS terminals in the law library was increased from three to twelve, with two more awaiting installation. Six of these work stations are still housed in the original CALR (computer-assisted legal research) room on the second floor and the other six are on the third floor, available to anyone with an individual password. New furniture for this equipment, as well as for the personal computers in room S204, was installed during the summer. The original furniture from the CALR rooms was moved to the stacks for additional study space. The faculty commons in Storey Hall now also has LEXIS and WESTLAW terminals with high-speed printers.

At the same time, the library staff has worked with the Student Bar Association to solicit student input about revised hours of operation for the library and for the reference office. In response to this input and to requests from the local legal community, reference office hours were adjusted in January. The office now remains open during the lunch and dinner hours and closes two hours earlier in the evenings. Adjustments in the Friday through Sunday hours of operation for the law library are under consideration.

Additional services to the law faculty, student body, and local legal community were introduced this year. The law library staff now



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sells photocards at the loan desk; delivers a wider range of inter-library loan and document delivery services; offers a table of contents current awareness service to the law faculty; shelves the most popular unbound legal periodicals on reserve for safekeeping; and has installed answering machines at the loan desk and reference office for patron convenience. Improvements to copying services are under consideration, and should be introduced during the coming academic year. The library staff is also consulting with student representatives to design a policy for more efficient and equitable use of the study rooms and individual carrels in the library.

By searching the new PONI (public online information) catalog on the public terminals scattered through the building, library visitors can now see the holdings of all other SMU libraries as well as the law library materials. Faculty members can dial into PONI from home or office, and this same feature should be extended to law students and off-campus researchers in the next few months. During the December holidays the library staff, with the assistance of law student volunteers, applied over 50,000 barcodes to the materials in the classified collections of the library in preparation for the automated circulation system that will be added to PONI in late 1991. This feature will expedite the charging out of library materials and enable a researcher to search PONI and determine immediately whether an item is checked out or on the shelf. During implementation of the new circulation system, the staff will also examine current circulation policies and loan periods and consider means to increase the types of materials that may be charged out.

The library has added new CD-

ROM (compact disk—read only memory) products from West Publishing that include desktop access to libraries on such subjects as taxation, bankruptcy, and securities. The existing CD-ROM index to legal periodicals was recently enhanced to allow broader subject searching. New information formats such as these have hastened plans to begin preparations for networking the library to make more efficient use of such materials by allowing multiple researchers to use them at the same time.

This new information network will be just a part of a major renovation currently being planned for the Underwood Law Library building. Although the law library may seem relatively new to those in the legal community who remember its dedication, the building is now twenty years old—a significant period in view of the technological changes that have occurred in information delivery during those same twenty years.

Law libraries, which 20 years ago were basically warehouses for ever-growing collections of law books, are now centers for accessing information from all over the world, in a variety of formats, and by means of ever-changing technology. These new "libraries without walls" require state-of-the-art telecommunications and computer facilities, as well as the ability to house new information formats in appropriate settings.

To transform the Underwood Law Library into such a facility, plans call for the installation of compact shelving for the storage of older library materials. The space created by the addition of these compact shelves will be converted to a computer classroom and a permanent learning center for computer-assisted legal research, networked for efficient delivery of information and shared use of



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software and CD-ROM products. Such a facility will enable the law school to conduct classes using a variety of legal software packages and offer computer-assisted legal instruction courses for the first time. Audiovisual and microform facilities will also be expanded and improved to permit more comfortable use of microforms and the introduction of interactive video into the law school curriculum. The replacement of carpet and furniture throughout the library, an automated security system, updated fire safety features, and improved access for the disabled will be additional features of the renovation project.

With a law collection that is, in size and depth, one of the finest in the nation, the Underwood Law Library has long felt a responsibility to answer the broader research needs of the Dallas community, while fulfilling its basic mission of supporting the curricular and research needs of the law school. New information formats, increased technological innovations, and modernized facilities will enable the law library to continue this role into the next century.



Gail Daly is Director of the Underwood Law Library and an Assistant Professor of Law. She earned B.A.

and M.A. degrees from the University of Michigan and her J.D. from the University of Minnesota. Before coming to SMU Professor Daly was a law librarian at the University of Minnesota and a visiting associate for law with the Research Libraries Group at Stanford University. In addition to her responsibilities as director of the library, she teaches advanced legal research.



Judith K. Johnson

Dear Fellow Graduates:

My four-year tenure as an officer of the SMU Law Alumni Association, first as Law Fund chair and then as president, has come to an end. My commitment to and enthusiasm for the school and its leaders continue unabated.

In late summer 1987 I wrote to you not only to solicit financial contributions to the school but to encourage more graduates to become active on the school's behalf. At that time I did not fully realize how rich would be the rewards of deeper involvement with the School of Law. In the past few years many of us have been uneasy with the changing environment of the practice of law, with the increased competition among law firms. A counter-balance to this competitive professional environment is the cooperative spirit found in working together with fellow graduates on behalf of the school.

One of my goals during my time in office was to draw upon the diversity of talent within the alumni association so as to place it in a better position to provide an orchestrated contribution to the school. In this I believe we have made progress. Of the newly appointed Law Alumni Association Council, 11 of the 30 members are from cities outside the Dallas metropolitan area and 22 different class years are represented. Furthermore, the 1990 revision of the Law Alumni Association by-laws provides for continuity of leadership through the creation of the office of president-elect and the establishment of standing committees whose chairs sit on the Council. One committee, the Long-Range Planning Committee, will provide the avenue for ongoing graduate

participation and a perspective on goals and broader issues facing the school.

The revamping of our organizational structure was necessary if we were to be full partners in the dynamic changes envisioned by the school. We graduates have an important role in providing an independent, reasoned perspective on such matters as curriculum reform. We have a responsibility to involve ourselves with the recruitment of students. And we must support the school financially.

The endeavor is not all one-sided, however. We are indeed fortunate in the commitment of the dean and those in the office of development and alumni relations to improving the quality of the relationship between the graduates and the school—a relationship noted with approval by members of the reaccreditation site inspection team this spring. During the last 12 months Dean Rogers has hosted 29 graduate receptions in over 17 cities in six states. In an interview in the Spring 1991 SMU Magazine he commented: "Our graduates are our strongest asset, and I want them to know that we appreciate them."

I believe that the alumni association is poised to play a constructive and valuable role in the future of the school. Now truly is the time for increased involvement and for taking advantage of the personal benefits that will follow.

Warmest regards to each of you.

Judith K. Johnson

Dear Graduates and Friends:

You, our graduates and friends who support us financially as well as in many other ways, remain one of the law school's greatest assets. The law school has a rich history, a vibrant present, and a strong future. We appreciate that many of you who were an important part of that past are helping to sustain us now and are enabling us to build for the future.

Private legal education continues to play a vital role in our profession. We at the SMU School of Law believe that we are providing legal education of the first caliber as we continue to attract the very brightest students, the most energetic and talented faculty, with a law library that is an important national and international resource. We thank you for your part in helping us maintain the excellence befitting of our history and traditions. We hope that you will continue to support us as we plan for the challenges of preparing law students for the legal profession in a new century.

With all best wishes,



C. Paul Rogers III

Dean



C. Paul Rogers III

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Reform of the Judiciary

The federal judiciary could become more effective and efficient—without adding more judges to the system.

The Honorable Stanley Sporkin, U.S. District Judge in Washington, D.C., chose reform of the federal judiciary as his topic for last November's Murrah Lecture on the Administration of Justice. At the outset, Judge Sporkin noted that while the independence of the federal judiciary has been its great strength, it has also been a weakness. His underlying message was that if the judiciary itself does not determine and implement necessary reforms, it is likely to be the largely helpless recipient of impracticable or unpalatable congressional reform. As an illustration, he pointed to the Speedy Trial Act, which, in his opinion, while admirable in intent, was passed by Congress with little attention to the act's impact on the functioning of the federal judiciary. The judge also criticized Congress' reform of sentencing procedures. The result of the mandated procedures is that federal judges are now forced to "sentence by numbers," with the computer doing most of the work. From his experience, many judges are distressed at the removal of judicial discretion from the sentencing procedure, which has led not to parity in sentencing but to frequently inhumane and sometimes bizarrely inequitable terms of punishment.

Nevertheless, Judge Sporkin quickly disavowed any intent to suggest that the judiciary was not in need of reform. Indeed, in the

remainder of his speech he outlined specific areas in which the federal judiciary could become more effective and efficient—without adding more judges to the system. As the centerpiece of his reform program he proposed eliminating the requirement of rule 52 of the Federal Rules of Civil Procedure that in a non-jury trial the judge must make findings of fact and conclusions of law. Instead, the judge would render a verdict from the bench at the end of the trial. While a

If the judiciary itself does not implement necessary reforms, it is likely to be the largely helpless recipient of impracticable or unpalatable congressional reform.

judge would have the option of writing an opinion, he or she could not delay a decision with post-trial proceedings. The advantage to this reform would be twofold: prompt decisions and more court time for the judge.

In order to allocate court resources reasonably, Judge Sporkin proposed user fees for prolonged civil litigation. He suggested that litigants that exceed a specified amount of court time pay the costs of continued use of the court's resources. Litigants would thus have an incentive to limit themselves to only the most

important issues. The judge also suggested that courts should be given greater freedom to dispose of causes of action lacking a legitimate basis. He advocated administrative review to prevent meritless claims for relief from using up court time. In addition, he would subject new entitlement litigation to some form of screening. In his view, too many cases are inconsistent with the purposes of the legislative authorization. Either Congress should more precisely define the class it seeks to protect, or it should give the federal judiciary discretion to dismiss ill-founded cases.

With regard to the current debate on diversity jurisdiction, Judge Sporkin indicated that he would not like to see it eliminated. So long as state judicial systems are subject to political pressures, the diversity jurisdiction vested in federal courts is an important safeguard of individuals' rights. In addition, interstate disputes need prompt resolution on national basis. He would, however, advocate some changes, for example an increase in the amount in controversy, to insure a case's substantial impact on interstate commerce.

The judge then turned to the benefit of judges knowledgeable in a specific field being assigned cases in that field. In the same vein, he suggested that certain categories of cases currently clogging the courts, such as



Judge Irving L. Goldberg expressed his appreciation to the donors of the Goldberg Endowed Lectureship, which celebrated its third year with the presentation of Professor Michael E. Tigar, Joseph D. Jamail Centennial Chair holder at the University of Texas Law School.

South Africa and Civil Rights

Civil rights litigator Professor Michael E. Tigar, Joseph D. Jamail Centennial Chair at the University of Texas School of Law, in his January 24, 1991, Goldberg Lecture, pondered whether lessons learned from the civil rights movement in the United States in the 1960s could be successfully applied to the current pressure for social and political change in South Africa. He noted that the system of apartheid established by the South African National Party in 1948 is fast crumbling. As the formal structure erodes, the South African Government and the international community is confronted with the results of the social and legal inequality that has been part of South African life for decades. Professor Tigar emphasized that in a nation in which the minority has so clearly dominated the majority for

so long, instability is inevitable. If, he said, we ignore the depths of black anger and white ideology and try to write the future on a clean slate, we will fail to identify the problems and therefore be unable to solve them.

On the surface, the implementation of a U.S.-style bill of rights would appear to be attractive. The U.S. Bill of Rights was, after all, in Professor Tigar's words, "written by people who knew of particular abuses and wished to make unmistakable that they would not occur again. It was written about judges and for judges by lawyers and on behalf of clients whose collective life experience showed us that there was need for such a testament disposing and directing how the legacy of revolutionary struggle should be distributed as the patrimony of their children." As lawyers

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Freedom of Information Act cases, title VII cases, and social security review, could be most efficiently handled by specialized courts.

Finally, Judge Sporkin suggested the streamlining of the entire appellate review system. Far from adding more layers of review, higher courts of appeal, the judge would subject the vast majority of appellate cases to per curiam review. The goal of the appellate courts should be to ensure that trials were fair and the decisions acceptable, not that they were perfect.

In the question-and-answer session following the judge's formal remarks, he addressed a further issue. In response to a suggestion that the savings and loan crisis could be blamed on deregulation, he said unequivocally that deregulation was not a license to steal. In his opinion, a breakdown of corporate ethics has allowed lawyers, directors, and accountants to get away with dishonest actions. Society must police itself and members of all professions must draw the line on unethical as well as illegal conduct. To Judge Sporkin, lawyering is more than knowing the law; it is how to react to situations with integrity, which requires the use of all wisdom and common sense.

The lectureship honoring Judge Murrah was established at the SMU School of Law through the generosity of the Hatton W. Summers Foundation.

South Africa (cont.)

in South Africa confront the seemingly overwhelming power of the state it would seem appropriate to look back to the 1960s in the United States and to reflect what lawyers in the south were faced with at that time. Nevertheless, as Professor Tigar admitted, the parallel is flawed.

South African courts are presently nothing more than administrative arms of the state. Any attempt to recast them as upholders of a judicially enforceable bill of rights faces obstacles that have to be confronted and understood. The National Party has established a tradition that it is legitimate to use the judicial and prosecutorial arms of the state to punish and suppress dissent. The law against the use of coerced confessions is negated by police procedures that are a travesty of justice. Indeed, the vast majority of black South Africans are unaware that they possess any legal rights at all. This sense of helplessness is reinforced by the land tenure laws imposed by English and Afrikaner settlers by which Africans were driven from their commonly held tribal lands.

In the political arena, the most serious opposition to change comes from the conservative Afrikaners, descendants of the original Dutch settlers in South Africa. For the most part small businesspeople and farmers, the Afrikaners are the principal beneficiaries of a black labor force with minimal rights. Added to

this economic factor is the Afrikaners' deeply seated religious conviction of the inferiority of blacks. To try to sew the seeds of a bill of rights on such infertile legal and political ground is a monumental task for a post-apartheid society.

Notwithstanding this somewhat pessimistic view of the future for South Africa, Professor Tigar made the point that social change in a nation has never depended entirely on internal dynamics. The influence of international social organizations can be profound. The international consensus that there is a body of international human rights law that is binding upon every sovereign nation and that can be enforced by other nations has most recently been demonstrated in

the Iraq/Kuwait arena. U.N. resolutions, the Geneva Convention, the decisions of the European Court of Human Rights, all demonstrate that human rights transcend national boundaries. In Professor Tigar's view, those working toward the complete dismantling of apartheid would do well to draw upon international parallels as well as striving for internally generated change to create a society of equality for all races within South Africa.

The Goldberg lectureship was established by the law clerks and friends of Judge Irving L. Goldberg. The luncheon following the lecture was paid for in part by Mead Data Central, a company specializing in Lexis/Nexis computer networking.

Business Opportunities in the Persian Gulf

Nicholas Hill of the London law firm of Trowers & Hamlin, with an office in the Sultanate of Oman, spoke at a law school Corporate Counsel's Council luncheon on February 5, 1991. The event was sponsored by Winstead Sechrest & Minick in Dallas.

The focus of Mr. Hill's address was the development of joint business opportunities in the southern and western Persian Gulf nations. Although Mr. Hill spoke before the cease fire between Iraq and the United States and its allies in the war, he was confident that the end of the fighting would bring significant busi-

ness opportunities to the western nations, and particularly to the United States.

Mr. Hill pointed to a number of industries in the Gulf states that would welcome joint ventures with western companies. First, of course, the oil and gas industry in Kuwait must be rebuilt since it is Kuwait's only rationale for existence. Major openings for cooperation exist in the construction and civil engineering fields. The development of international financial services for the Gulf region will be important. And, finally, international trade centered in the Gulf nations offers enormous opportunities for foreign companies.

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Nicholas T. Hills, partner in the London firm of Trowers & Hamlin, which also has offices in Oman, provided a "Lawyer's Perspective to Challenge and Opportunities in the Arabian Gulf" at the winter meeting of the law school's Corporate Counsel's Council.

The Arab people have been sophisticated traders for millennia, trade is in their blood and a way of life. To succeed, however, Mr. Hill warned that any company interested in a joint venture in the Gulf nations must be prepared to incorporate the joint venture with 51 percent Arab ownership and to have a local agent to look after the venture's interests. In this way, the benefits of the joint venture will be fairly shared by the foreign participant and the Arab partners, contractors, and subcontractors involved in the operation.

Western businesspersons and lawyers should also be aware that Islamic law is based on the Quran and that this law is taken very seriously and rigidly followed. However, the Islamic states of the region have inherited, via Egypt, the Code Napoléon. Since English is the predominant second language, international contracts are most likely to be written in English or French, based on

the Code Napoléon, then translated into Arabic and subject to interpretation under Islamic law. As a result, contract disputes can be extremely complicated.

Finally, Mr. Hill emphasized that foreigners wanting to do business with the Arab states must be very sensitive to the culture, religion, and customs of the region. Mr. Hill suggested that because of the United Kingdom's historical ties with the Gulf states, U.S. companies interested in doing business in the region could learn much from the U.K. experience there. U.S. businesspersons and lawyers should realize that the Gulf states are highly resistant to western mores and customs and that westerners would do well to understand and accept the Islamic view of life rather than vaunting western-style democracy. Or, as Mr. Hill ended by quoting from St. Paul's Epistle to the Romans, "Be not wise in your own conceits."

Equality in Dallas—Obligation of Professionals

In 1956, a black man, injured in an accident, lay bleeding to death by the side of the road. Watching him were a white policeman and a white ambulance crew. They were waiting for a "black ambulance" service to arrive, for at that time, by law, in Dallas, the "white ambulance" could not transport a black person to a hospital. The Reverend Zan Holmes, pastor, teacher, and political leader, recounted this incident as one of his first experiences in the city to which he had just moved. He recalled compassion in the eyes of the white officials, yet also their inability to act because they were, in Dr. Holmes' words, "bound by racism."

As keynote speaker to the Sixth Conference on the Professions, Dr. Holmes asserted that vestiges of this same racism live on in Dallas and still bind members of the professions. Dallas, he said, is geographically and economically one of the most segregated cities in the United States. Whites feel alienated from the civil rights movement, and at a loss as to how to reverse the growing polarity between residents of the white, affluent suburbs to the north and the minorities of the inner city. He appealed for a new coalition, a new

"Either we learn together as sisters and brothers or we perish as fools."

—Martin Luther King

Until white professionals
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with nonwhites.

Equality in Dallas (cont.)

power-sharing, to fight for the good of the total city.

Al Ellis ('71), immediate past president of the Dallas Bar Association, responded to Dr. Holmes' plea for action by outlining what the legal profession is doing to integrate minority lawyers unreservedly into its power structure. The Dallas Bar Association has recently accorded presidents of minority bar associations full, voting membership within the Association. It has also formed a task force to formulate a long-range plan to ensure that inclusion of minorities as equal members becomes a reality.

Dr. Ron J. Anderson, president and chief executive officer of Parkland Memorial Hospital, described how the medical community is responding to the needs of the dispossessed and powerless. Parkland Hospital has established community out-patient care units in minority and depressed neighborhoods. Mobile units are going to shelters for the homeless.

Bishop Mark B. Herbener, presiding bishop of the Northern Texas—Northern Louisiana Synod of the Evangelical Lutheran Church in America, spoke as a representative of the white theological community. In his view, one of the main obstacles to a true coalition of the races is that too many professionals still feel that the paternalism of the white oligarchy toward racial minorities is appro-

priate and beneficial. Until white professionals can rid themselves of this personal racism they will not be willing to share their financial and political power to build a true coalition with nonwhites.

At lunch SMU alumna Ruth Sharp Altschuler talked with poignancy and humor of her work on behalf of the Salvation Army and other local organizations for the poor and underprivileged. The conferees then separated into small groups for informal discussion of the practical and ethical issues posed by the morning's speakers.

A closing summary indicated general agreement that members of the Dallas Bar Association, the Dallas Medical Association, and the Dallas Council of Churches should meet together in a retreat to formulate policies with regard to racial issues that they would then recommend to the Dallas City Council and the Dallas County Commissioners Court.

This Sixth Conference of the Professions, held on March 27, 1991, and attended by approximately 85 invited participants from the medical, legal, and theological professions, was sponsored by the Dallas Bar Association, the Dallas County Medical Society, SMU School of Law, SMU Perkins School of Theology, and the University of Texas Southwestern Medical Center at Dallas.



Congressman Michael Andrews (J.D. 1970), a member of the Ways and Means Committee, presented the law school's Annual Tax Policy Lecture.

Tax Policies for the 9

SMU law school graduate **Michael A. Andrews** ('70) gave the ninth annual tax policy lecture at the school on March 28, 1991. Democratic representative for the 25th District of Texas since 1983, Congressman Andrews is a member of the House Committee on Ways and Means. In "Tax Policy for the 1990s" he concentrated on congressional efforts at tax simplification.

At the outset, Congressman Andrews pointed out that a shorter tax code does not necessarily mean a simpler tax code. Neither does simplicity always equate with fairness. Yet fairness should be the essential goal of any tax revision.

As the congressman readily admitted, large-scale progress in tax simplification will be difficult to achieve; small victories around the edges of the code are more realistic. He outlined some major barriers to success: First, tax writers are under pressure to meet time and deficit reduction deadlines, and

that type of pressure is not conducive to formulating good policy. Too often, discussion of short-term budgetary considerations overwhelms long-term policy considerations. Second, raising taxes is such a political quagmire that good policy is ignored. As a practical matter, tax bills must be put together in a form that the President will find acceptable and will sign; sound policy rarely prevails over the need to provide a mix of provisions pleasing to the President's constituency. Third, transition rules add to any tax bill's complexity, as do special projects dear to individual members of Congress. Fourth, any proposed tax incentive must be accompanied by a revenue-raising amendment to cover the projected revenue loss of the incentive. While that is good policy, it does not lead to simplicity in formulating the proposed provision.

With regard to the fourth point, Congressman Andrews emphasized that new programs do need financing. As examples he pointed to long-term health care and catastrophic health insurance. Nevertheless, Congress must discipline itself when it comes to financing pet projects. While the press acts as a good watchdog over provisions that benefit only individuals, lobbying by special interest groups can make writing good tax law overwhelmingly difficult.

Having delineated the dif-

ficulties of writing good tax law, Congressman Andrews proposed some solutions. In general terms he felt that the primary goal of Congress should be to reduce the budget deficit and thereby reduce the pressure on the tax-writing committees to raise rates without considering longer-term policies. In addition, he suggested a move to a two-year budget cycle. Tax writers would then be less affected by tight time deadlines and could concentrate on policy, oversight, and fairness.

Finally, Congressman Andrews advanced four proposals to ensure simplification of the code. Congress should instruct tax writing committees to focus on simplicity. Committee chairs should insist that

anyone who suggests a change must also address the simplicity of the change. The Treasury Department and the IRS should be forced to address simplicity in positions they take. And lastly, the President should appoint a task force of private citizens to present specific suggestions to Congress with regard to introducing simplicity and clarity to tax writing.

The sponsor for this year's lecture and the following luncheon was the Dallas firm of Malouf Lynch Jackson Kessler & Collins, the five principals of which are SMU law graduates: **Donald J. Malouf** ('62); **Michael E. Lynch** (LL.M. in Taxation, '73); **John D. Jackson** ('70); **Gary S. Kessler** ('74); and **Joseph O. Collins, Jr.** ('74).

Controlling Terrorism Through Law

At an April 23, 1991, joint meeting of the law school's Corporate Counsel's Council and Council for Excellence, hosted by Baker & Botts, **A. Kenneth Pye**, President of SMU and Professor of Law, spoke on "The Law and Terrorism."

In President Pye's view, the concept of terrorism is a matter of perspective. A terrorist by Western standards may be a patriot to people resisting oppression or seeking justice through anticolonialist actions—in the struggle for self-determination the means may be seen to justify the end, even if innocents die. To some the PLO is a terrorist group; to others it is the

legitimate representative of a repressed people.

As President Pye pointed out, however, if it is hard to define terrorism, it is even harder to control it. The international community has made some efforts to combat the problem. A 1986 U.N. resolution condemned terrorism, and treaties apply to hijacking, destruction of aircraft on the ground, attacks on diplomatic personnel, terrorist devices sent through the mail, and the taking of hostages.

Despite these treaties, many terrorists are protected from extradition to the countries in which they committed their crimes because the countries to



A. Kenneth Pye

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Controlling Terrorism (cont.)

which they have fled deem their offenses political. While different countries use different standards to define political offenses, taken together the various tests provide terrorists with broad protection against extradition. Indeed, the United States itself has consistently used the ground of political offense to refuse to extradite terrorists, although it has recently signed a treaty with the United Kingdom agreeing to extradite all those accused of violent crime regardless of political motivation.

Most terrorist acts in the United States are already covered by state and federal laws and incidences are few because of the efforts of the FBI and other law enforcement agencies. Abroad, the United States has increased its defensive measures to protect its embassies, consulates, and USIA offices, but these measures give marginal protection to U.S. businesspeople and other private citizens. A more aggressive approach is the threat of economic sanctions or suspension of aviation privileges. Nevertheless, such sanctions are ineffective if they are unilateral in that their principal result is the loss of U.S. markets to other nations.

The United States has instituted some measures to combat terrorism. Congress has passed the Terrorist Assistance Act (as President Pye pointed out, peculiarly named), which authorizes the training of foreign police officers in the United States

to combat terrorism. The Act does not, however, allow for the provision of equipment and weapons the officers may need to use their training effectively in their home countries. Congress also has passed a law giving the United States jurisdiction anywhere in the world over anyone who injures or kills an American citizen, and it has authorized the payment of substantial rewards for information leading to the arrest and conviction of terrorists.

In the final analysis, terrorism can only be eliminated if law enforcement agencies have the means to identify, locate, track, arrest, and prosecute terrorists. International cooperation is essential in this endeavor, including the services of INTERPOL. On the domestic front, several obstacles have to be overcome. Law enforcement officials cannot begin an investigation until they have good reason to believe that a crime has been committed. Yet organizations suspected of planning terrorist acts need tracking before they act. Law enforcement officers are circumscribed in the surveillance techniques they may use. Additionally, they have no legal framework for infiltration. Infiltrators must gain the trust of an organization by committing illegal acts—for which they could then be prosecuted. FBI policy delineates the permissible actions of infiltrators. President Pye suggested a statute that would provide

infiltrators immunity from prosecution provided they operate within the federal guidelines.

President Pye concluded by outlining further measures the United States could take to combat terrorism. He suggested that two existing statutes could be amended to apply to terrorists: RICO and the Foreign Intelligence Surveillance Act. RICO, however, has so far been interpreted as applying only to economic, not political, crimes. The Foreign Intelligence Surveillance Act could be expanded to allow covert searches to identify terrorist activities. And finally, the Status of Forces agreements with European allies could be modified to allow U.S. investigations of crimes committed against U.S. service personnel off base.

The School of Law's Corporate Counsel's Council was established two years ago as a means of communication between the law school and the corporate legal community. Corporate counsel have served as guest speakers in various law school classes, and faculty members have provided expert assistance to a number of corporate offices. Local corporate offices also have employed students through a minority clerkship program initiated with the help of Frito-Lay. The functions of the Council for Excellence are described elsewhere in this issue of *The Brief*.

Terrorism can only be eliminated if law enforcement agencies have the means to identify, locate, track, arrest, and prosecute terrorists.

McKnight and Taubenfeld Receive Endowed Faculty Fellowships

Joseph W. McKnight

Joseph W. McKnight, Professor of Law, has been named as the first **Larry and Jane Harlan Faculty Fellow** at the School of Law. Professor McKnight received his B.A. from the University of Texas in Austin, a B.A., B.C.L., and M.A. from Oxford University, where he was a Rhodes Scholar, and an LL.M. from Columbia University. He joined the law faculty at SMU in 1955, serving as associate dean for academic affairs from 1977-1980. He is an authority in the fields of legal history and family and marital property law.

Professor McKnight has written extensively on the Spanish legal influence on American jurisprudence and is completing a book, *Legal Persistence and Change*, which deals with the law of succession on the Hispanic frontier of North America. He is also the co-author, with W.A. Reppy, Jr., of the 1983 casebook, *Texas Matrimonial Property Law*, and acted as general editor and author of *Creditor's Rights in Texas* (1st ed. 1963).

In 1967 Professor McKnight was a visiting professor at the University of Edinburgh, where he delivered the Stair Society lecture. In 1976 he was on leave at the University of Salamanca, Spain. He was named an Académico (honoris causa) of the Academia Mexicana de Derecho Internacional in 1988.



JOSEPH W. MCKNIGHT

Professor McKnight is a leader in law reform. He was a principal draftsman of the Texas Family Code, other Texas legislation, revisions of the Texas Constitution, and a federal statute on historical preservation. From 1963-1966 he served as a member of the board of directors of the National Legal Aid and Defender Association.

Professor McKnight was vice president of the American Society for Legal History in 1966-1968 and a member of the Society's board of directors from 1967-1975. Currently, he serves as a member of the executive council of the Texas State Historical Association, as a member of the advisory Board of the Institute of Texan Cultures, and as a trustee of the San Jacinto Museum of History Association. He has shared his interest in rare and antique books on law and Texas history with generous gifts to the rare book collection of Underwood Law Library.



HOWARD J. TAUBENFELD

The Larry and Jane Harlan Faculty Fellow has been established by the trustees of the Larry and Jane Harlan Foundation to support scholarly research and teaching at the School of Law. In the words of Dean Rogers, "It is most fitting that Joseph W. McKnight is the first recipient of the position, given his long and distinguished service to the law school and the legal profession. His teaching and scholarship continue to set very high standards."

Howard J. Taubenfeld

"He has been an outstanding classroom teacher at the law school for 30 years and has had a very positive impact on a generation of aspiring lawyers." With this tribute, Dean C. Paul Rogers III introduced Howard J. Taubenfeld, Professor of Law, as the first **Vinson & Elkins Distinguished Teaching Fellow**. The fellowship was dedicated recently by the law





Roberto MacLean

Taubenfeld (cont.)

firm of Vinson & Elkins to support excellence in teaching at the law school.

Professor Taubenfeld holds A.B., LL.B., and Ph.D. degrees from Columbia University. He joined the law school faculty in 1961 and over the past 30 years has taught in the areas of public international law, impacts of new technology, space law, ethics, property law, and family law. He is co-author, with Philip Jessup, of the pioneering work *Controls for Outer Space*; co-author of *Race, Peace, Law and Southern Africa*; editor of *Controlling the Weather*; and co-author of *International Treaties, Declarations, and Other Acts Concerning Sex-Based Discrimination and the Rights of Women in International Law*.

In addition to his law school courses, Professor Taubenfeld has lectured in France, Mexico, Israel, Greece, and the United Kingdom. In 1984, while on leave, he was a visiting scholar at the International Development Law Institute in Rome, followed by an exchange professorship at Kwansei Gakuin University in Nishinomiya, Japan. In 1988 he was a visiting professor at Hastings College of Law in San Francisco. He is director of the SMU School of Law summer programs at Oxford and Edinburgh.

Professor Taubenfeld is a consultant to the Tunisian Government in the preparation of that country's environmental laws. He is also a consultant to the U.S. Department of State, the Environmental Protection Agency, the National Science Foundation, the National Center for Atmospheric Research, Scripps Institution of Oceanography, and the National Oceanic and Atmospheric Administration. In Texas he chairs the Advisory Committee on Weather Modification of the Texas Water Development Board and serves as liaison for the Dallas and Latvian Bar Associations.

Professor Taubenfeld's distinguished and multifaceted career epitomizes the scholarship and commitment to teaching that the Vinson & Elkins fellowship seeks to encourage and reward.

Peru's Ambassador to the United States

Dr. Roberto MacLean, who was a visiting professor at the law school in 1984 and Visiting William Hawley Atwell Professor of Constitutional Law during the 1989-1990 academic year, has been appointed Peruvian Ambassador to the United States. Dr. MacLean, until his recent appointment, was the Associate General Manager of the Central Reserve



ELIZABETH G. THORNBURG, '79

Teaching Excellence Recognized

Professor **Elizabeth G. Thornburg** ('79) is the winner of the 1990-91 Dr. Don M. Smart Teaching Award. The annual award, established by **Dr. Don M. Smart** ('65), goes to the full-time faculty member who is determined by a student committee to be the most effective classroom instructor in the law school for the academic year.

Bank of Peru. He has served as a member of the Permanent Court of International Arbitration in The Hague and as a Justice of the Supreme Court of Peru. He was dean of the faculty of law at the Universidad Catolica del Peru and professor of private international and comparative law at the Universidad Nacional Mayor de San Marcos de Lima.

Labor Law Scholar Retires

Charles J. Morris, Professor of Law, retired from the law school faculty in May of this year. He was honored at the University Commencement ceremonies with the following citation:

"Professor Charles J. Morris received his B.A. from Temple University and his J.D. from Columbia University. After his graduation from law school he practiced labor law in Dallas for eighteen years, where he developed a national reputation. He has served as a member of the SMU law school faculty since 1955, teaching courses in labor

and employment law, arbitration, constitutional law, civil procedure, and evidence. Professor Morris has held visiting faculty appointments at Cornell, the University of San Diego, and Monash University. He is the author of numerous articles on labor law and a number of books, including two editions of the seminal two-volume treatise entitled *The Developing Labor Law—The Board, the Courts and the National Labor Relations Act*. Professor Morris has been a labor arbitrator since 1968 and has had active experience both in private sector

industrial relations disputes and public sector grievance and interest disputes. Professor Morris' honors include a presidential appointment to membership on the Federal Service Impasses Panel from 1978-82, membership in the National Academy of Arbitrators, the Industrial Relations Research Association, the American Arbitration Association, and the Society of Professionals in Dispute Resolution."

Professor Morris is retiring to San Diego, where three of his four children live.



Charles J. Morris

Publications and Activities

Roy Ryden Anderson, Professor of Law, was elected to the American Law Institute.

Lackland H. Bloom, Jr., Associate Professor of Law: "The Legacy of Griswold," 16 *Ohio Northern University Law Review* 511 (1989).

Alan R. Bromberg, University Distinguished Professor of Law: Supplement 23 to *Securities Fraud and Commodities Fraud* (co-authored with Lewis D. Lowenfels).

Gregory S. Crespi, Assistant Professor of Law: "Evaluating 'Undue Hardship' Claims Under the Americans with Disabilities Act," 26 *Tulsa Law Journal* 1 (1990); "The Reverse Pierce Doctrine: Applying Appropriate Standards," 16 *The Journal of Corporate Law* 33 (1990).

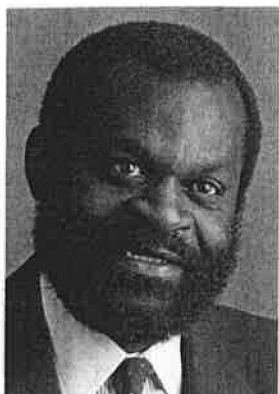
Gail M. Daly, Director of Underwood Law Library and Assistant Professor of Law: "Library-Vendor Cooperation in Cataloging Legal Research Databases: The Minnesota/WESTLAW Experience," 82 *Law Library Journal* 331 (1991).

Jane L. Dolkart, Associate Professor of Law: "Summary Judgments in the Federal Courts After the Supreme Court Trilogy," 18 *Barrister*, Summer 1991, at 48. Professor Dolkart also organized and participated in a conference entitled "Domestic Partnership: Legal Protection for Alternative Family Relations."

Linda S. Eads, Associate Professor of Law: "Separating Crime from Punishment: The Constitutional Implications of *United States v. Halper*," 68 *Washington*

University Law Quarterly 929 (1990). Professor Eads was granted tenure and promoted to Associate Professor of Law.

Jeffrey M. Gaba, Associate Professor of Law: "The Mixture and Derived-from Rules Under RCRA," 21 *Environmental Law Reporter* (Environmental Law Institute) 10,003 (1991); "Lender Liability for the Cleanup of Hazardous Wastes," 45 *Consumer Finance Law Quarterly Report* 52 (1991); "Interpreting Section 107(a)(3) of CERCLA: When Has a Person 'Arranged for Disposal?'," 44 *Southwestern Law Journal* 1313 (1991); co-author, "The Citizen Suit Provision of CERCLA: A Sheep in Wolf's Clothing?," 43 *Southwestern Law Journal* 929 (1990).



Ndiva Kofele-Kale

Publications and Activities (cont.)

Bryan A. Garner, Lecturer in Law: *The Elements of Legal Style* (Oxford University Press); "Briefs to the Court" and "The Stylistic Evolution of the Court," to be included in the forthcoming *The Oxford Companion to the United States Supreme Court*.

Ndiva Kofele-Kale, Associate Professor of Law: "Host-Nation Regulation and Incentives for Private Foreign Investment: A Comparative Analysis and Commentary," 15 *North Carolina Journal of International Law and Commercial Regulation* 361 (1990).

Stefan H. Krieger, Assistant Professor of Law: "An Advocacy Model for Representation of Low-Income Intervenors in State Public Utility Proceedings," 22 *Arizona State Law Journal* 639 (1990).

John S. Lowe, George W. Hutchison Professor of Energy Law: "The Take-or-Pay Wars—Is Peace at Hand?," 8 *Oil & Gas Law and Taxation Review* 3 (1990); cumulative pocket parts to volumes 1, 1A, 2, 3A, 4, 5, 7, 8 and the 1991 supplement to volume 6 of Summers, *The Law of Oil and Gas* (West Publishing Co.). Professor Lowe is chair-elect of the ABA Section of Natural Resources, Energy, and Environmental Law.

Thomas Wm. Mayo, Associate Professor of Law: "Allocating Health Care Resources: Balancing the Interests of the Child and Society," 10 *Journal of Pediatric Infectious Disease* 175 (March 1991).

Joseph W. McKnight, Larry and Jane Harlan

Faculty Fellow and Professor of Law: "Family Law: Husband and Wife," 45 *Southwestern Law Journal* 415 (1991); "Texas Family Code Symposium—Title 1. Husband and Wife," 21 *Texas Tech Law Review* 905 (1990); "Texas Family Code Symposium—Texas Family Exemption Laws," 21 *Texas Tech Law Review* 1121 (1990). His article "Law Without Lawyers on the Hispano-Mexican Frontier" won the Mrs. Percy Jones Award for the best article in the 1990 Year Book of the West Texas Historical Association.

Charles J. Morris, Professor of Law: "NLRB Rule-making: Promise and Prospects," *Industrial Relations Research Association Series (Proceedings of the Forty-Second Annual Meeting)* 210 (Dec. 1989).

Joseph J. Norton, Professor of Law: co-author, "Control Related Issues and Bankruptcy—On-Going Concerns for Lenders," *Bulletin of the Business Law Section of the State Bar of Texas* (Sept. 1990); co-author, "Tort-Related Aspects of Lender Liability Law" in *Texas Torts and Remedies* (Matthew Bender); co-editor, *Bank Regulation and Supervision in the 1990s* (Lloyds Press 1991), and author of two chapters; author, "EC Banking Directives as a Regulatory Convergence Paradigm" in *Banking Law: Implications for 1992* (Lloyds Press, 2d ed.).

Ellen Smith Pryor, Assistant Professor of Law: "Compensation and Ineradicable Problems of Pain," 59

George Washington Law Review 239 (1991).

C. Paul Rogers III, Dean and Professor of Law: "Scots Law in Post-Revolutionary and Nineteenth Century America: The Neglected Jurisprudence," 8 *Law and History Review* 205 (1990); co-author, "Article Two Warranty Disputes in the Seventh Circuit: Advantage Seller or Disadvantage Court?," 65 *Chicago-Kent Law Review* 849 (1991).

Walter W. Steele, Jr., Professor of Law: co-author, "Jury Instructions: A Persistent Failure to Communicate," 74 *Judicature* 249 (1991).

Marc I. Steinberg, Rupert and Lillian Radford Professor of Law: Release 10 to *Securities Regulation: Liabilities and Remedies*; 1991 Supplement to *Securities Practice: Federal and State Enforcement*; "Notes as Securities: Reves and Its Implications," 51 *Ohio State Law Journal* 675 (1990); "Nightmare on Main Street: The Paramount Picture Horror Show," 16 *Delaware Journal of Corporate Law* 2 (1991); co-author, "Attorney Conflicts of Interest: The Need for a Coherent Framework," 66 *Notre Dame Law Review* 1 (1990); "The Joint Defense Doctrine in Federal Securities Litigation," 18 *Securities Regulation Law Journal* 339 (1991).

New Faculty

Howard J. Taubenfeld, Vinson & Elkins Distinguished Teaching Fellow and Professor of Law: co-author, "Some Thoughts on the Problems of Designing Stable Democracies," 24 *International Lawyer* 689 (1990).

Elizabeth G. Thornburg, Assistant Professor of Law: "Interlocutory Review of Discovery Orders: An Idea Whose Time Has Come," 44 *Southwestern Law Journal* 1045 (1990); co-author, "Jury Instructions: A Persistent Failure to Communicate," 74 *Judicature* 249 (1991).

Peter Winship, James Cleo Thompson Sr. Trustee Professor of Law: "Final Provisions of UNCITRAL's International Commercial Law Provisions," 24 *International Lawyer* 711 (1990); "Energy Contracts and the United Nations Sales Convention," 25 *Texas International Law Journal* 365 (1990).

Victoria Palacios, Associate Professor of Law, J.D., 1975, University of Nebraska College of Law. Professor Palacios held the Hastie Fellowship at the University of Wisconsin College of Law from 1975-77; she taught at the University of Utah College of Law from 1977-83, and as an adjunct professor from 1983-88. From 1987-90 she was on the faculty of the National Institute of Corrections. From 1983-90 Professor Palacios was a member, and for two years chair, of the Utah Parole Board. In 1990-91 she was a visiting associate professor at the University of Notre Dame Law School. Professor Palacios is the author of an NIC monograph, *Parole Law* (1990), and co-author of articles on civil rights for Mexican-Americans and protection of archeological resources. She will teach in

the areas of torts and criminal justice.

George A. Martinez, Assistant Professor of Law, B.A., 1976, Arizona State University; M.A., 1979, University of Michigan; J.D., 1985, Harvard University. Professor Martinez was a teaching fellow at the University of Michigan from 1979-81 and a visiting assistant professor of philosophy at Texas Christian University from 1981-82. He was a litigation associate with the Chicago firm of Mayer, Brown & Platt from 1985-1988, and a litigation associate with the San Francisco firm of Morrison & Foerster from 1989 until 1991. Professor Martinez will teach in the areas of civil procedure, federal courts, and jurisprudence.

Michael A. Berch, Visiting Professor of Law, B.A., 1956, J.D., 1959, Columbia University. Professor Berch is on leave from the law faculty of Arizona State University. He was previously a visiting professor at SMU School of Law for the 1988-89 academic year. He served as an attorney in the U.S. Department of Justice, Criminal Division, from 1959-63, and was in private practice in New York City from 1963-69. Professor Berch will be visiting the law school in the spring 1992 semester and will teach courses in civil procedure and federal courts.

Shizhong Dong, Visiting Professor of Law, Graduate, 1958, East China Law School; Diplomat,



Diane G. Hawkins, '81

Births

John Jamison, born December 25, 1990, son of **Roark M. Reed**, Professor of Law, and Diane Reed.

Liesl Jean, born January 14, 1991, daughter of **Susan K. Bryant**, Assistant Dean for Student Affairs, and Andrew Bryant.

Aviel Rahel, born February 20, 1991, daughter of **Neil H. Cogan**, Associate Dean for Academic Affairs and Professor of Law, and **Mannette Dodge** ('77).

Emily Claire, born May 4, 1991, daughter of **Julia Patterson Forrester**, Assistant Professor of Law, and Mack Forrester.

Virginia Barkley, born May 15, 1991, daughter of **Dianne G. Hawkins** ('81), Director of Legal Research and Writing, and John Hawkins.

Joseph Harris Amberson IV, born July 19, 1991, son of **Laura G. Amberson**, Assistant Director of Admissions, and Joe Amberson.



The Academy provides intensive training to junior and mid-level career civil service tax officials from developing and newly industrialized countries.

New Faculty (cont.)

Graduate Institute of International Studies, Geneva, Switzerland. Professor Dong has been dean of the Fudan University Law School in Shanghai, a research fellow for the Standing Committee of the National People's Congress of China, and legal advisor of Chinese delegations to the United Nations. He is on leave from Fudan University, Shanghai, law school. Professor Dong comes to the law school following a visiting professorship at the University of California at Berkeley School of Law (Boalt Hall). He has also been a visiting professor at Harvard Law School and at the Hong Kong University School of Law. Professor Dong is the author of a series of books on international monetary and financial law and Chinese economic law.

William L. Reynolds, Visiting Professor of Law, A.B., 1967, Dartmouth College, J.D., 1970 Harvard University. Professor Reynolds is on leave from the University of Maryland School of Law, where he has taught since 1971. He will be visiting at SMU for the fall 1991 semester. Professor Reynolds has published in the areas of antitrust, conflicts, constitutional law, and legal process. He is the author of *Judicial Process in a Nutshell* (2d ed. 1981), and a co-author of *Understanding Conflicts of Law* (1984) and *Cases and Materials on Conflicts of Law* (1990).

Academy of International Taxation

In 1983 the Ministry of Finance of the Republic of China, Taiwan, with the encouragement of the then Minister of Finance, J.K. Loh, who earned his M.C.L. from SMU in 1959, approached the SMU School of Law regarding the possibility of establishing an international training academy for tax officials from developing countries. Discussions ensued, and the Academy of International Taxation began in 1984 under the sponsorship of the Ministry of Finance and the co-sponsorship of the SMU School of Law. Professor Henry J. Lischer, Jr., has served as the SMU Administrative Director since the inception of the Academy and travels to Taiwan twice a year.

The Academy, conducted from April through September at the Public Finance Training Institute in Taipei, Taiwan, provides intensive training to junior and mid-level career civil service tax officials from developing and newly industrialized countries. Most of the 20 to 30 students are from Taiwan, but due to the generous support of the Ministry of Foreign Affairs in Taiwan, the government provides cost-free attendance for 6 to 8 students from other developing countries. Over the years, Bahrain, Dominica, the Dominican Republic, the Fiji Islands, Guatemala, Indonesia, Jordan, Korea,

Malawi, Peru, Saint Lucia, Saint Vincent, Saudi Arabia, the Solomon Islands, South Africa, and Thailand have sent students to this program.

The SMU School of Law is largely responsible for assembling the visiting faculty, who teach one- or two-week courses. Participating tax practitioners have included Roscoe L. Egger, Jr., former Commissioner of the Internal Revenue Service; Fred T. Goldberg, Jr., former Chief Counsel of the IRS and present Commissioner of the IRS; Lawrence B. Gibbs, former Commissioner of the IRS; Steven R. Lainoff, former Deputy Assistant Secretary of the Treasury and present Associate Chief Counsel (International) of the IRS; and Kenneth W. Gideon, former Chief Counsel of the IRS and present Assistant Secretary of the Treasury for Tax Policy. In addition, a distinguished group of academics has taught at the academy, including Professor Lischer and present or former SMU law professors John J. Mylan, Charles T. Terry, Beverly M. Carl, Werner F. Ebke, Marc I. Steinberg, and Christopher H. Hanna. Dean C. Paul Rogers III visited the Academy with his wife Lynn in June. Also involved have been law professors from nine other U.S. and three German universities.

Second Annual Medical Institute for Law Faculty

In late May Associate Professor Tom Mayo spent ten days in an innovative education program for health law and bioethics teachers. He was one of nine law professors from around the country selected to participate in the Second Annual Medical Institute for Law Faculty, a joint effort by the Cleveland-Marshall School of Law and the Cleveland Clinic Foundation, the second largest tertiary care referral center in the world.

The Institute's itinerary included tours ("walk-about" in hospital parlance) and interviews with a wide variety of physicians and administrators within the Cleveland Clinic. The departments included medical records, quality assurance, in-house legal counsel, bioethics, reproductive technology, endoscopy, infectious diseases, emergency medicine, intensive care, outpatient surgery, pharmacy, laboratory medicine and pathology, geriatrics, and surgery. Participants also spent two mornings on patient rounds with attending and resident physicians.

"Surgery and the emergency room were real eye-openers," reports Mayo. "We scrubbed for surgery at 7:30 in the morning and spent nearly four-and-a-half hours going from room to room. Surgery is a form of controlled chaos; lots of things are going on at once, but it's all coordinated."

The Institute gave participants an opportunity to compare teaching strategies and to discuss medico-legal issues they deal with in their classes. "We probably could have had these discussions in a hotel room at D/FW airport," says Mayo, "but the unique feature of the program was the chance

If legal professionals are more sensitive to the emotional, social, and professional dimensions of illness, disease, and death, law's impact might become more beneficial.

to learn first-hand about hospital policies and procedures that relate to the study and teaching of health law."

One common theme that arose in nearly every walk-about was the impact of reimbursement regulations on the intensity and quality of medical care. Mayo observes that "the insurance companies and the regulators at Medicare are definitely influencing the way medicine is practiced. Most of the changes seem to have been for the better, but revolutions are almost always painful, and the

physicians and administrators are having a hard time coping with the rapid changes."

As a result of his experience, Mayo concludes that the paperwork burden on physicians and nurses is a mixed blessing: "Red tape can sometimes be an end in itself or a substitute for thinking. But when regulators require better and more frequent entries on patients' medical charts, medical care is usually improved."

The M.D. Anderson Foundation, which paid for Mayo's expenses to attend the Institute, is also funding his development of new bioethics teaching materials that combine literature with more traditional law school materials. "The Institute and the new teaching materials are pieces of the same puzzle," according to Mayo. "If legal professionals are more sensitive to the emotional, social, and professional dimensions of illness, disease, and death, law's impact might become more beneficial. A number of physicians at the Cleveland Clinic expressed their interest in a new course that combines law and medicine with poetry, plays, short stories, and novels."



Thomas Wm. Mayo



Mollyann and Marvin Menaker
(J.D. '59) established an endowed scholarship at the law school. The gift provides need-based scholarship assistance to students at the law school.

Larry and Jane Harlan Faculty Fellowship

To support senior research and teaching at SMU School of Law, the Larry and Jane Harlan Foundation has established a \$150,000 Larry and Jane Harlan Faculty Fellowship. Larry Harlan, a prominent Dallas businessman, was intrigued by the study of law and dedicated to charitable causes. Before his death in the late 1960s he established the Harlan Foundation to support his favorite charitable interests. Upon the death of Mr. Harlan's wife, Jane, in 1988, the foundation dedicated its funds to the School of Law and to the Texas Scottish Rite Hospital for Crippled Children in Dallas. The first Larry and Jane Harlan Faculty Fellow is Professor Joseph W. Mcknight, who joined the law school's faculty in 1955.

Vinson & Elkins Distinguished Teaching Fellowship

The law firm of Vinson & Elkins has generously committed itself financially to encourage and reward outstanding teaching at the school. To this end, the Houston-based firm, with offices in Dallas, Austin, Washington, D.C., and London, has endowed the \$150,000 Vinson & Elkins Distinguished Teaching Fellowship. The first recipient of this fellowship is Professor Howard J. Taubenfeld, a member of the law school's faculty since 1961.



The 1991 Dallas Lawyers Wives Scholarship was awarded to Tara Hanley (left). Also pictured are Dean C. Paul Rogers III, Elizabeth Meyers, Patricia Evans (3L), and Assistant Dean Susan K. Bryant.



Members of the Council for Excellence law firms gathered for their annual meeting. The Council for Excellence member firms provide major endowment support to the law school. Pictured are Edward A. Copley and Neil J. O'Brien.

SMU School of Law's Council for Excellence

The Council for Excellence consists of law firms that have pledged their support to the School of Law. Through its financial commitments, the Council supports faculty research and clinical education, broadens student services, enhances acquisitions and

services for the Underwood Law Library, and diminishes the impact of deferred maintenance for the school. The Dallas firms of Andrews & Kurth and Baker & Botts recently joined the Council for Excellence, bringing the total membership to 19 firms.



The Dallas firm Cowles & Thompson provided sponsorship of the law school's National Moot Court team. Pictured are: Front row, left to right, Michael W. Huddleston ('82), Cowles & Thompson, Mickie Fleetwood, Cowles & Thompson; back row, students David E. Olesky, Denise L. Urzendowski, and Frank C. Fleming, and Jay Stephen Gibson, Cowles & Thompson.



Ann Van Wynen Thomas

Baker & Botts Joins Council for Excellence

The Dallas law firm of Baker & Botts, which also has offices in Houston, Austin, and Washington, D.C., has established the Baker & Botts Council for Excellence Scholarship Endowment Fund to finance scholarships for second-year students who have achieved academic excellence and demonstrated financial need. Dean C. Paul Rogers III, in announcing that Baker & Botts had joined the Council for Excellence, emphasized that "the firm's commitment to provide scholarship aid for our students helps us to address one of our most important and ongoing needs at the law school."

New Sponsors for Moot Court Teams

Cowles & Thompson sponsored the 1991 National Moot Court team. **Michael W. Huddleston** ('82) of the same firm acted as coach for the team.

Bracewell & Patterson sponsored the 1991 Texas Young Lawyers' Moot Court team.

Winstead Sechrest & Minick sponsored the law school's first Client Counseling Competition team.

A.J. Thomas, Jr., Memorial Gift

A group of graduates from the classes in the late 70s recently presented a gift of \$6,100 to the Underwood Law Library in memory of Professor A.J. Thomas, Jr. The gift, to be used for library acquisitions in the area of international law, was accepted by Dean C. Paul Rogers and Dr. Ann Van Wynen Thomas, Professor Emeritus of Political Science, at a reception on April 25th.



SMU law school alumnus Edward C. "Ned" Fritz ('40) receives the Honorary Doctor of Humane Letters degree from SMU President A. Kenneth Pye during May graduation ceremonies.

Law Graduate Receives SMU Honorary Degree

Edward C. Fritz ('40) received the honorary degree of Doctor of Humane Letters at SMU's Commencement ceremonies in May. Active in conservancy since his teens, Fritz has focused on the preservation of native forests and has campaigned vigorously against clearcutting of natural woodlands. He is chair of the Forest Task Force of the Texas Committee on Natural Resources, treasurer of the Board of Directors of the Texas League of Conservation Voters, secretary of the Natural Area Preservation Association, and founder of the Dallas League of Conservation Voters. He has drafted state and federal conservation legislation, including the East Texas Wilderness Act, which was passed by the United States Congress and signed into

law in 1984. As attorney for the Texas Committee on Natural Resources he was instrumental, with co-plaintiffs the Sierra Club and the Wilderness Society, in obtaining an injunction (which the U.S. Forest Service is appealing) against the destruction of the habitat of the endangered red-cockaded woodpecker in east Texas. Fritz is the author of three books on conservancy, *Sterile Forest* (1983), *Realms of Beauty* (1986), and *Clearcutting: A Crime Against Nature* (1989). SMU's honorary doctorate is but one of many awards testifying to his lifelong dedication to conservancy, including the 1985 Sierra Club national achievement award and the 1990 Teddy Roosevelt Conservation Award, presented by President George Bush.

Case, Stahl Named 1991 Distinguished Alumni

Donald L. Case ('39) and Sidney Stahl ('56) were honored as the recipients of the 1991 Distinguished Law Alumni Awards at a banquet hosted by the SMU Law Alumni Association Council on May 9, 1991.

For more than 50 years Case has represented clients in litigation involving antitrust, securities, energy, transportation, and insurance. He began his legal career as an associate first in the Law Offices of Dallas C. Biggers and then with Robertson, Leachman, Payne, Gardere & Lancaster. In 1942 he joined the Texas Pacific Railway Company as staff attorney and two years later became that company's general attorney, a position he retained until 1952 when he accepted a partnership with Jackson & Walker. Thirty-eight years later, in 1990, he became of counsel with Jackson & Walker.

Case is a fellow of the American College of Trial Lawyers and of the American and Texas Bar Foundations, and a member of the Texas Association of Defense Lawyers. Last year he received the annual Distinguished Litigator Award from the Dallas Association of Defense Counsel. He has served on the board of trustees for the Hillcrest Foundation for 20 years, and has been chancellor of Trinity Episcopal Church for five years.



Donald L. Case (J.D. '39) and Sidney Stahl (J.D. '56) were honored in May as the 1991 Distinguished Law Alumni Awards recipients.

Stahl was profiled in these pages last year as the recipient of the 1990 Jurisprudence Award of the Anti-Defamation League of B'nai B'rith. Other honors include the Human Relations Award of the American Jewish Committee, the Brotherhood Citation Award of the National Conference of Christians and Jews, the Justinian Award from the Dallas Lawyers' Wives Club for outstanding community service, and a citation of honor from the American Institute of Architects/Dallas. Stahl has long been active in state and city government, in professional organizations, and in Dallas civic, cultural, and religious institutions. In addition to

continuing membership on many state and local committees and boards, he was president of the Dallas Park and Recreation Board from 1973-79, a member of the Dallas City Council from 1980-83, and chair of the Texas Senate Select Committee on Medicaid and Family Services from 1987-89. He is a member of the State Bar of Texas, the Dallas Bar Association, the American Bar Association, the Bar of the U.S. Supreme Court, a fellow of the Texas Bar Foundation, and a director of the Texas Business Law Foundation. A member of the Commercial Panel of Arbitrators of the American Arbitration Association, Stahl also is chair of the

Alternate Disputes Resolution Committee and a member of the Community Dispute Resolution Committee, both of the Dallas Bar Association. Over the span of his career he has served on the boards of virtually every cultural institution in Dallas, including The Dallas Symphony, the Dallas Museum of Art, the Dallas Opera, the Dallas Arts Coalition, The Science Place, Dallas Center for Housing Resources, Inc., Community Homes for Adults, Inc., the Baylor Institute of Rehabilitation, and the Greater Dallas Community Relations Commission. He has been a director of the Jewish Federation of Greater Dallas and of Jewish Family Service, and chair of the Community Relations Council, Jewish Welfare Federation. Now, after 33 years as a principal of the Dallas firm of Geary, Stahl & Spencer, Stahl is undertaking a major career move—he is leaving the firm to establish a one-person law practice specializing in dispute mediation.

Case and Stahl were honored for their contributions to the legal community and the legal profession, as well as their continued support for the law school.

Albon O. Head, Jr. ('71), chair of the selection committee, presented crystal gavels to Case and Stahl as symbols of their award.



News of Graduates



Eugene Jericho, '49

49 Eugene Jericho, Strasburger & Price, Dallas, has been elected secretary-treasurer of the International Association of Defense Counsel.

52 George S. Finley, Smith, Carter, Rose, Finley and Hoffman, San Angelo, has been inducted as a fellow of the American College of Trial Lawyers. **Jerry N. Jordan**, Jordan Dunlap & Prather, Dallas, has become chair of the Preston Center Association. **Robert G. Vial**, Vial, Hamilton, Koch & Knox, Dallas, has been elected chair of the association of Texas chapters of the American Board of Trial Advocates.

55 Lewis T. Sweet, Jr., Hughes & Luce, Dallas, lectured at an SMU CLE program on real estate law.

56 William M. Jones, Dallas, was a panel member for a one-day continuing legal education seminar in Dallas on condemnation.

57 Peter S. Chantilis, Chantilis & Brousseau, Dallas, has graduated from the Dallas Bar Association's Alternative Dispute Resolution mediator training program. **Forrest Smith** (LL.M. '63), Arter & Hadden, Dallas, has been elected to the board of the Multi-Ethnic Heritage Foundation.

58 Julian M. Meer (LL.M.), Dallas, reminisced in an article in the *Texas Bar Journal* on his 50 years of law practice. **Eugene B. Pflughaupt** has retired from his position as law book sales manager for West Publishing Company and has moved to Hendersonville, Tennessee. **Robert H. Power**, Power, Deatherage and Blankenship, Irving, was a panel member for a one-day continuing legal education program on condemnation in Dallas.

59 James H. Holmes III, Burford & Ryburn, Dallas, was elected executive vice-president of the Texas Association of Defense Counsel for 1991. **Ray E. Hutchison**, Hutchison, Boyle, Brooks & Fisher, Dallas, has been elected a member of the Baylor College of Dentistry Board of Trustees.

60 The Honorable Pat McDowell, Dallas Criminal District Court No. 5, was appointed by Governor William Clements to a four-year term as presiding judge of the First Administrative Judicial Region. **John C. Vance**, Criminal District Attorney, Dallas, has been named a director of the Texas District and County Attorneys Association. **Richard J. Williams**, with the firm of A.G. Edwards, Austin, was incorrectly listed as deceased in the 1960 Class Alumni Reunion Directory.

61 Madison B. Wright has opened an office for the general practice of law in Houston. **James B. Zimmerman**, Boyd, Veigel & Hance, McKinney, spoke to the law school and the members of the Dallas community during Law Week on his impressions as trial lawyer for dismissed Dallas police chief Mack Vines.

62 Kenneth D. Fuller, Koons, Fuller, McCurley, & Vanden Eykel, Dallas, lectured at an SMU CLE program on Texas family law and community property.



WILLIAM M. BOYD, '63

63 William M. Boyd, Boyd, Veigel & Hance, McKinney, spoke during Law Week to law school and Dallas community members in connection with his experience as trial lawyer for dismissed Dallas police chief Mack Vines. **Luther E. Creel III**, Creel & Atwood, Dallas, was inducted as a fellow into the American College of Bankruptcy. **Fred Head**, Law Offices of Fred and Mike Head, Athens, was honored

by the State Bar College for 306 hours of study, the highest total for any Texas lawyer during 1990.

65 Windle Turley, Dallas, spoke on "Modern Technology in the Courtroom: From Fundamental Considerations to Laser Disc Technology" to the American Bar Association Institute on Aviation Litigation in Washington, D.C., and on "Video Settlement Documentaries for the Nineties" to the Louisiana Trial Lawyers Association Negotiation and Settlement Seminar in Baton Rouge. **John M. Stephenson, Jr.**, Johnson & Gibbs, Dallas, has been named president of the Southwest Chapter of the United States-Mexico Chamber of Commerce. **Jerry B. Williamson III**, Williamson Printing Corp., Dallas, has been elected vice chairman for special industry groups of Printing Industries of America, a national trade association.

66 Jesse B. Heath, Jr., Mayor, Day, Caldwell & Keeton, Houston, has been named vice-chair of the newly formed Texas College of Real Estate Attorneys; he also lectured at an SMU CLE program on real estate law. **Ronald W. Kessler**, Jones, Day, Reavis & Pogue, Austin, was appointed by Lieutenant Governor Bill Hobby to the Product Development Advisory Board. **Marcus D. Taylor**, District Attorney, Quitman, has been named a director of the Texas District and County Attorneys Association.

67 Charles F. Guittard, Guittard, Hyden & Guittard, Dallas, has been elected a director of the Dallas Bar Association for 1991. **Walter J. Humann**, Hunt Consolidated, Dallas, was a nominee for the 1991 Linz Award. **Jack N. Kinnebrew**, Strasburger & Price, Dallas, has been elected an academician of the International Academy of Estate and Trust Law. **James H. Wallenstein**, Jenkins & Gilchrist, Dallas, has been elected secretary-treasurer of the newly formed Texas College of Real Estate Attorneys; he presided over a session of an SMU CLE program on real estate law and was a participant at a Dallas seminar sponsored by the Dallas Chapter of the Institute of Real Estate Management. **William C. Strook**, Haynes & Boone, Dallas, spoke on employment law at the President's Forum of Tarrant County. **Alan S. Trust**, Dallas, spoke to the Dallas Bankruptcy Bar Association on "The Federal Death Penalty for S&L Fraud: The Next Step?"

68 Jim Burnham, Dallas, has been elected president of the board of directors of Dispute Mediation Service. **George A. Otstott**, George A. Otstott & Associates, Dallas, is a founding member of Highland Park High School Class of 1961 Inc., a corporation formed to foster academic excellence at the school through scholarships and other support activities.

69 The Honorable Charles F. Campbell, Jr., of the

Texas Court of Criminal Appeals, Austin, spoke at an SMU CLE program on Texas criminal evidence. **Robert H. Frost**, Winstead Sechrest & Minick, Dallas, presented a paper entitled "Voir Dire and Opening Statement" to the Texas Association of Defense Counsel in Dallas. **David R. Snodgrass**, Gardere & Wynne, Dallas, was a panelist for the Texas Chapter of the Turnaround Management Association's program "The Turnaround Process Within Bankruptcy."

70 The Honorable Cleo R. Steele, Jr., Dallas County Justice of the Peace, has been elected an officer of Dispute Mediation Service.

71 Alfred W. "Al" Ellis, Dallas, published an article, "Flying Solo for Fun, Freedom and Financial Independence," in *Texas Lawyer*. **Gerald N. Olson**, Winstead Sechrest & Minick, Washington, D.C., lectured at an SMU CLE program on commercial lending. **Clark S. Willingham**, Mankoff, Hill, Held & Goldberg, Dallas, was appointed to the Agribusiness Advisory Council of the U.S. Department of Agriculture by then-Secretary of Agriculture Clayton Yeutter; Willingham is also president of the Texas Beef Industry Council, Region IV vice president of the National Cattlemen's Association, a member of the Executive Committee of the National Livestock and Meat Board, and a member of the State Board of Veterinary Medical Examiners.



Charles F. Guittard, '67



James H. Wallenstein, '67



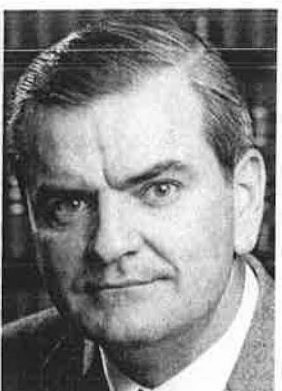
Clark S. Willingham, '71



Charles E. Miller, Jr., '72



Orrin I. Harrison III, '74



Donald E. Godwin, '73

News of Graduates (cont.)

72 Peter A. Lesser, Dallas, has been appointed foreman of the Dallas County Grand Jury. The Honorable **Charles E. Miller, Jr.**, Texas Court of Criminal Appeals, Austin, lectured at an SMU CLE program on Texas criminal evidence. **Darrel A. Rice**, Winstead Sechrest & Minick, Dallas, lectured at an SMU CLE program on commercial lending.

73 The Honorable **Harold C. Gaither, Jr.**, Dallas juvenile court judge, was featured in a *Dallas Times Herald* story for inviting a young man, who graduated from high school while on probation and attending an out-of-state residential program for juveniles in trouble, into court so that the judge could publicly congratulate the youth on his efforts to rehabilitate himself. **Donald E. Godwin**, Godwin, Carlton & Maxwell, Dallas, leads this year's corporate and individual membership drive for the Anita N. Martinez Ballet Folklorico; he also participated as a representative of his firm in a seminar on recruitment strategies organized by the Greater Dallas Chamber of Commerce and lectured at an SMU CLE program on modern trends in business torts litigation. **Bob D. Harrison**, Johnson and Gibbs, Dallas, has been elected a fellow of the American College of Trust and Estate Counsel. **Ralph C. Jones**, Carter, Jones, Magee, Rudberg and Mayes, Dallas, has been elected a director of the Dallas Bar Association for 1991. **David**

B. McAfee, Clausen Miller Gorman Caffrey & Witous, Chicago, has been elected to the Illinois State Legislature for the 47th District of Illinois. **Michael L. Parham**, Winstead Sechrest & Minick, Dallas, has been elected a director of the association of Texas chapters of the American Board of Trial Advocates. **Thomas E. Rosen**, Godwin, Carlton & Maxwell, Dallas, represented his firm at a seminar on recruitment strategies sponsored by the Greater Dallas Chamber of Commerce. **N. Henry Simpson III**, Tobolowsky, Prager & Schlinger, Dallas, has completed the Dallas Bar Association's mediator training program. The Honorable **Linda B. Thomas**, 5th District Court of Appeals, Dallas, was awarded the Texas Academy of Family Law Specialists' Sam Emison Award for her contributions to family law.

74 **Frederick W. Addison III**, Locke Purnell Rain Harrell, Dallas, published an article on "Toxicity: EPA Expands Its Definition of Hazardous Waste" in the March 1991 *Texas Bar Journal*. **Richard L. Arnold**, Dallas, has been board certified in civil trial law and personal injury trial law. **Ben A. Brooks III**, Hutchison, Boyle, Brooks & Fisher, Dallas, has become a member of the Dallas County Treasurer's Advisory Committee. **Michael M. Daniel**, Dallas, was featured in a *Dallas Times Herald* story for his achievements as a civil rights lawyer. **Orrin L. Harrison, III**, Locke Purnell



TERRY R. MEANS, '74

Rain Harrell, Dallas, is the 1991 president-elect of the Dallas Bar Association; he also lectured at an SMU CLE program on modern trends in business torts litigation. The Honorable **Terry R. Means**, Means & Means, Corsicana, and former justice on Texas' 10th Court of Appeals in Waco, has been appointed to a new federal judgeship in the Western District of Texas.

75 **Ronald L. Brown**, Butler & Binion, Dallas, was featured in the *Dallas Times Herald* business section's "success tip." **Russell ("Rusty") Hardin Jr.**, Hardin, Beers, Hagstette & Davidson, Houston, lectured at an SMU CLE program on Texas criminal evidence. **Dana G. Kirk**, Kirk and Carrigan, Houston, lectured at an SMU CLE program on modern trends in business torts litigation. The Honorable **Sue Lagarde**, Court of Appeals for the Fifth District of Texas at Dallas, was featured in the "Judicial Profiles" section of the Dallas Bar Association's *Headnotes* newsletter. The Honorable

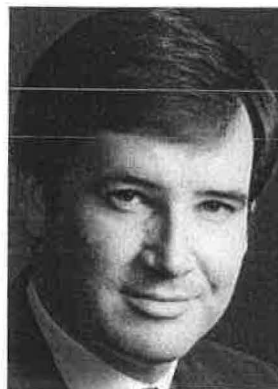
John M. Marshall, 14th District Court of Dallas County, has been awarded the Grand Cordon of the Order of Polonia Restituta by the Republic of Poland Government-in-Exile; he participated as a panelist in a seminar addressing the new Texas Supreme Court rule that limits judges' ability to seal court records; he also presided over a mock trial presented at the 51st Annual Meeting of the Texas Society of Architects. **Steven R. McCown**, Jenkins & Gilchrist, Dallas, spoke last fall at a seminar sponsored by the North Dallas Chamber of Commerce to update employers on new federal and state laws regarding employee hiring, promotion, and termination. **Rodney J. Owens**, Meadows, Owens, Collier, Reed & Coggins, Dallas, spoke on "Holistic Planning for the '90s" at the 1990 American Association of Life Underwriters annual meeting; he also spoke on "Business Continuation Planning" at the 1990 National Association of Estate Planning Council's meeting in Lexington, Kentucky, and gave an update on the latest wealth-transfer and tax-planning techniques at a seminar in Arlington sponsored by the Institute of Certified Financial Planners. The Honorable **Richard A. Schell**, United States District Court for the Eastern District of Texas, Beaumont, was featured in a *Texas Lawyer* front-page

story on a move to shift asbestos cases into the multidistrict litigation program. **Brian L. Webb**, Webb, Kinser & Luce, Dallas, was elected treasurer of the Academy of Family Law Specialists for 1990-91. **Sherry C. Whitley**, Haynes & Boone, Dallas, lectured at an SMU CLE program on commercial lending.



DOUGLAS W. BECKER, '76

76 A. Nicholas Alexander, founder of Clicks Billiards Incorporated, Dallas, recently announced the opening in Phoenix of the company's 17th store. **Douglas W. Becker**, Kaufman, Becker, Pullen & Reibach, San Antonio, lectured at an SMU CLE program on real estate law. **John W. Bickel II**, Bickel & Brewer, Dallas, was a panel member for a program on litigation tactics and strategy at St. Mary's Law School sponsored by the Texas Bar and the Texas Young Lawyers Association. **Jay Gwin**, Haynes and Boone, San Antonio, lectured at an SMU CLE program on real estate. **Graham Hill**, Hill, Parker, Franklin, Cardwell & Jones, Houston, has been elected president of the Houston



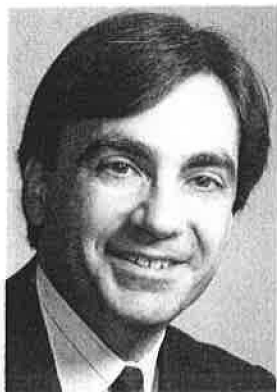
KENT S. HOFMEISTER, '76

Trial Lawyers Association. **Kent S. Hofmeister**, Vial, Hamilton, Koch & Knox, Dallas, spoke on "Municipal Policymakers Under 42 U.S.C. Section 1983: Who Are Those Guys Anyway?" to the Texas City Attorneys' Association in Corpus Christi. **John B. Holden, Jr.**, Akin, Gump, Strauss, Hauer & Feld, Dallas, welcomed participants to the fourth annual Texas Energy Update conference in Dallas on behalf of his firm, a conference sponsor. **David McCormack**, in private practice with offices in Houston and Galveston, is the author of a two-volume treatise, *Racketeer Influenced Corrupt Organizations: The Prosecution and Defense of Federal and State Criminal and Civil Cases* (1988). **Steven D. Nelson**, Winstead Sechrest & Minick, Dallas, spoke on "Subcontract Bonding" at the Tenth Annual Construction Insurance Conference in Chicago. **Michael R. Rochelle**, Dallas, lectured at an SMU CLE program on commercial lending.



John W. Bickel II, '76

News of Graduates (cont.)



Paul N. Gold, '77

77 William J. Bux, Hughes & Luce, Dallas, lectured at an SMU CLE program on modern trends in business torts litigation. **Paul N. Gold**, Friedman, McKernan & Gold, Houston, spoke on "Discovery in Texas—Enter the 90s" at the Advanced Trial Tactics for the '90s seminar, sponsored by the San Antonio Trial Lawyers' Association. **Foster Reese III**, Chapman & Reese, Dallas, spoke to the J.L. Turner Legal Association, a network of more than 200 African-American lawyers practicing in Dallas County, on enforcement of commercial leases; Turner, a member of the 1988-1989 class of Leadership Dallas, is active in Dallas' charitable, civic, and cultural forums. **Harvey L. Warren III**, Provost, Sheldon, Steele, Hughes, Giblin, Branick & Wimberley, Port Arthur, has become board certified in estate planning and probate law.

78 David E. Brusilow, Ginsberg, Brusilow & Walker, Dallas, spoke on "Working With Your Banker in Good Times and Bad" at a seminar sponsored by the Dallas Chamber of Commerce and First City Texas. **Richard Bufkin**, Seeligson & Steinberg, Dallas, spoke on developments in federal and other tax issues at a CPA Education Forum in Dallas. **Gwen M. Eisenstein**, Jenkins & Gilchrist, Dallas, lectured at an SMU CLE program on real estate law. **Beverly Storey**, Dallas, has been

elected a director of the Dallas Women Lawyers Association. **Cecilia A. Thomas**, Fort Worth, has been elected special projects officer of the Tarrant County Women's Bar Association for 1990-1991. **Leslie F. Weisbrod**, Morgan & Weisbrod, Dallas, was recently elected vice president of the Dallas Trial Lawyers Association.



LESLIE F. WEISBROD, '78

79 J. Mitchell Bell, Locke Purnell Rain Harrell, Dallas, lectured at an SMU CLE program on commercial lending.

80 Maxine Aaronson, Dallas, spoke at a seminar on Understanding ERISA Issues and Employee Benefit Plans sponsored by the South Texas College of Law and lectured at an SMU CLE program on Texas family law and community property; she has also published "Keep Your Client Covered With COBRA" in *Family Advocate*. **Richard L. Armstrong**, Plano, was elected 1990-1991 president of the Garland Metro Rotary Club. **Thomas R. Tunnell** has been promoted to vice



THOMAS R. TUNNELL, '80

president of legal operations and assistant secretary of Mary Kay Cosmetics, Inc., Dallas. **William R. Van Wagner**, Thompson & Knight, Fort Worth, participated in a seminar sponsored by the Dallas Chapter of the Institute of Real Estate Management.



PAULA SWEENEY, '81

81 Randall E. Hand, Dallas, received certification in civil trial law from the Texas Board of Legal Specialization and was elected 1991 vice chair of the Computer Use and Technology Section of the State Bar of Texas; **Mark Styles**, Keleher & McLeod, Albuquerque, published an article entitled "Mortgages in New Mexico" in *New Mexico Law Review*. **Paula Sweeney**,

Misko, Howie & Sweeney, Dallas, was recently elected president of the Dallas Trial Lawyers Association and is a governor of the Association of Trial Lawyers of America.

82 Keith D. Bergelt has been posted to the U.S. Embassy in Tokyo. **John C. Creuzot** has been appointed judge of Dallas County Criminal District Court No. 4. **Elise Galler Gold**, Plano, has been elected 1991 vice-chair of the Dallas Bar Association's Solo and Small-Firm Section.

Raymond C. Jordan, Jr., Meadows, Owens, Collier, Reed & Coggins, Dallas, has been elected vice president of the Dallas chapter of the Texas Society of Certified Public Accountants; he spoke on "Estate Planning and Probate in Texas" at a seminar in Dallas sponsored by the National Business Institute. **Kathleen La Valle**, Akin, Gump, Strauss, Hauer & Feld, Dallas, lectured at an SMU CLE program on modern trends in business torts litigation.

Stanley E. McGlothlin, Dresser Industries, Inc., Dallas, has been elected assistant secretary of the corporation. **Rona R. Mears**, Haynes & Boone, Dallas, has been elected vice-chair for marketing of the ABA Section of International Law and Practice's Publications Committee; she also published "Ethics and Due Diligence: A Lawyer's Perspective on Doing Business in Mexico" in *St. Mary's Law*

Journal. **Lynn Skipworth**, Vial, Hamilton, Koch & Knox, Dallas, lectured at an SMU CLE program on Texas family law and community property. **Michele H. Ubelaker** is an assistant professor of law at the University of Louisville.

83 John M. Cone, Strassburger & Price, Dallas, spoke on "Trademarks, the Cornerstone of Franchise Programs" to the Dallas Bar Association Franchise Law Study Group; he also lectured at an SMU CLE program on modern trends in business torts litigation. **G. Myrph Foote, Jr.**, Malouf Lynch Jackson Kessler & Collins, Dallas, spoke to the International Association for Financial Planning—Greater Dallas Chapter on estate planning for resident aliens. **Michael W. Huddleston**, Cowles & Thompson, Dallas, has been elected 1990-1991 vice chair of the newly formed Dallas Bar Association's Appellate Law Section.

84 Robert H. Dedman, Jr., Clubcorp International, Dallas, has been named president and chair-elect of the Texas Business Hall of Fame Foundation. **Dawn E. Fowler**, Raggio & Raggio, Dallas, has been elected a director of the Dallas Women Lawyers Association; she and **Dennis D. Gibson**, Bell, Boyd & Lloyd, Dallas, received Pro Bono Awards from the Dallas Bar



ROBERT H. DEDMAN, JR., '84

Association for their pro bono work in 1990. **Katherine A. Kinser**, Webb, Kinser and Luce, Dallas, has been elected 1991 chair of the Dallas Bar Association's Family Law Section; she also coached four SMU law students for the national mock trial competition sponsored by the American Trial Lawyers Association. **Kelly F. Robbins**, Irving, was presented with the Outstanding Director Award by the Dallas Association of Young Lawyers. **Mark Alan Shank**, Clark, West, Keller, Butler & Ellis, Dallas, published "How to Make Partner—But Do You Want to?" in the September 1990 *Texas Bar Journal*.

85 James C. Chadwick, Hughes & Luce, Dallas, has been appointed vice chair of the Agricultural Law Committee of the Texas State Bar. **Brad Gahm** has joined the staff of the Texas Association of Business as vice president—governmental affairs and general counsel. **Carol Ann Wilson**, Mankoff, Hill, Held & Goldburg, Dallas, has been elected vice president/program chair of the Dallas Women Lawyers Association.



James C. Chadwick, '85

News of Graduates (cont.)



Tek Ling Chwang, '86

86 Tek Ling Chwang, Johnson & Gibbs, Dallas, travelled to Taipei, Taiwan, to lecture on U.S. intellectual property laws. **Grover Hartt III**, U.S. Department of Justice—Tax Division, lectured on tax refund litigation at the University of Texas School of Law. **Stephanie A. Hall**, Dallas, has been elected secretary of the Dallas Women Lawyers Association.



Neena Wiora, '90

87 Lauren C. LaRue, Meadows, Owens, Collier, Reed & Coggins, Dallas, has been elected to the board of directors of the Texas Society of Certified Accountants. **Jane S. Nahra**, Locke Purnell Rain Harrell, Dallas, received a Pro Bono Award from the Dallas Bar Association for her pro bono work in the community. **Robert Ruotolo**, Busch, Ryan & Seib, Dallas, published "The Recovery of Interest on Postpetition Taxes Under Section 503 of the Bankruptcy Code" in the *American Bankruptcy Law Journal*. **Carol A. Winkelmann**, Dallas City Attorney's Office, has been elected a director of the Dallas Women Lawyers Association.

88 Nelda S. Adamson, Dallas, received a Pro Bono Award from the Dallas Bar Association for her pro bono work in the community. **Cathy L. Ash**, Harris & Alder, Fort Worth, has become a director of the Fort Worth—Tarrant County Young Lawyers Association.

David M. Curtis, Godwin, Carlton & Maxwell, Dallas, represented his firm at a seminar on recruitment strategies sponsored by the Greater Dallas Chamber of Commerce. **Victor E. Toledo**, Johnson, Bromberg & Leeds, Dallas, has been appointed to the Dallas Citizens Police Review Board.



VICTOR E. TOLEDO, '88

89 Elizabeth S. Grimm, Malouf, Lynch, Jackson & Kessler, Dallas, has been elected to the board of directors of the Shakespeare Festival of Dallas. **Manuel P. Lena, Jr.**, U.S. Department of Justice—Tax Division, Dallas, delivered a commencement address to the University of Texas College of Pharmacy in Austin. **Hilary A. Weinstein** has been appointed counsel on the staff of Jesse Jackson in Washington, D.C. **Gregory D. Williams** has joined the faculty of the Dallas/Fort Worth School of Law.

90 Neena Wiora, U.S. Department of Justice—Tax Division, Dallas, has been elected a director of the Dallas Women Lawyers Association.

In Memoriam

Roland W. Boyd ('33)
December 2, 1990
Joseph A. Chandler ('35)
September 25, 1990
Joseph H. Schley ('37)
June 5, 1984
Edward E. Grant ('40)
Edith Mann De Busk ('41)
October 3, 1990
Frederick J. Beisecker ('47)
September 1, 1990
Thomas Milam Gormley ('47)
December 24, 1990
Sandy M. Sandoloski ('49)
March 18, 1985
James D. McTaggart ('52)
Melvin R. Stidham ('52)
September 19, 1990
Tom Bryant Medders, Jr. ('54)
June 11, 1990
Joseph J. Silberman ('54)
Alexander P. Bolding, Jr. ('57)
Richard M. Mott, Jr. ('60)
Harold Dean Jorgenson ('59)
September 8, 1990
Theodore W. Bisland, Jr. ('60)
Giles C. Clegg, Jr. ('60)
Charles G. Jackson, Jr. ('60)
Diane Smith Bisland ('62)
Ava D. Poe ('70)
July 24, 1979
William H. Whiteside ('70)
October 4, 1990
William Allen Rice ('72)
February 12, 1991
Tong-Liang Chang (LL.M. '75; J.D. '86) October 1990

Firm Changes, New Firms, New Partners, Directors, Shareholders, Of Counsel

Ivan Irwin, Jr. ('57): Vinson & Elkins, Dallas
 William C. Koons ('58): Koons, Fuller, McCurley & Vanden Eykel, Dallas
 Forrest T. Smith ('63): Arter & Hadden, Dallas
 Ernest A. Conner, Jr. ('64): Thompson, Coe, Cousins & Irons, Dallas
 William B. Pasley ('65): Winstead Sechrest & Minick, London
 John D. Ellis, Jr. ('69): Ellis & Bloodworth, Houston
 Peter A. Franklin ('69): Locke Purnell Rain Harrell, Dallas
 Charles F. Plenge ('70): Haynes and Boone, Dallas
 Charles G. White ('70): Conant Whittenburg Whittenburg & Schachter, Amarillo
 Larry J. Laurent ('75): Booth & Newsom, Austin
 Gerald N. Olson ('71): Winstead Sechrest & Minick, Washington, D.C.
 G. Thomas Rhodus ('71): Looper, Reed, Mark & McGraw, Dallas
 R. Jeffrey Schmidt ('71): Godwin Carlton & Maxwell, Dallas
 Stephen E. Handel ('72): Randel Young & Associates, Houston
 James E. Byrne, Jr. ('73): Hyatt Legal Services, Southlake
 Jay S. Garrett ('73): Law, Snakard & Gambill, Fort Worth
 Donald H. Snell, Jr. ('73): O'Neil, Snell, Banowsky & McClure, Dallas
 Richard T. Cassidy ('74): Page & Addison, Dallas
 R. Thomas Groves, Jr. ('74): Jackson & Walker, Dallas

Kenneth E. Labowitz ('74): Young & Goldman, Alexandria, Virginia
 Karen B. Pettigrew ('74): K.B. Pettigrew & Associates, Houston
 Richard E. Booth ('75): Stubbeman, McRae, Sealy, Laughlin & Browder, Inc., Midland
 Alvin Roy Granoff ('75): Granoff & Gutierrez Law Offices, Dallas
 Rusty Hardin ('75): Hardin, Hagstette & Davidson, Houston
 L. Vance Stanton ('75): Choate & Lilly, Dallas
 Robert L. Craig, Jr. ('76): Carr, Fouts, Hunt, Craig, Terrill & Wolfe, Lubbock
 John Howie ('76): Misko, Howie & Sweeney, Dallas
 Philip S. Haag ('76): Hutcheson & Grundy, Austin
 Stephen A. Lynn ('76): Ungerman Hill, Dallas
 Joel M. Eastman ('77): Decker, Hardt, Kopf, Harr, Munsch & Dinan, Dallas
 Harvey L. Warren III ('77): Provost, Sheldon, Steele, Hughes, Giblin, Branick & Wimberley, Port Arthur
 Diane M. Cooper ('78; LL.M. '87): Akin, Gump, Strauss, Hauer & Feld, Dallas
 Frank C. Hider, Jr. ('78): Hider & Associates, Dallas
 John Oliver Tyler, Jr. ('78): Tyler & Pearson, Houston
 John R. Boyer, Jr. ('79): Boyer, Ewing & Fabio, Inc., Houston
 Raymond G. Byrd ('79): Caolo, Meier & Jones, Dallas

Andrew R. Harvin ('79): Doyle, Reed, Restrepo, Harvin & Robbins, Houston
 Constance C. Mahan ('79): Emergency Networks, Inc., Dallas
 Edward L. Rothberg ('80): Weycer, Kaplan, Pulaski & Zuber, Houston
 William O. Ashcraft ('81): McFall & Ashcraft, Dallas
 Dan C. Dargene ('81): Akin, Gump, Strauss, Hauer & Feld, Dallas
 Molly B. Richard ('81): Locke Purnell Rain Harrell, Dallas
 Paula Sweeney ('81): Misko, Howie & Sweeney, Dallas
 Mark K. Boling ('82): Fulbright & Jaworski, Houston
 James E. Bradley ('82): Blackburn & Carter, Houston
 Larry J. Goldman ('82): Davis, Adami & Cedillo, San Antonio
 Michael K. Haines ('82): Bell Boyd & Lloyd, Dallas
 Lynn B. Humphries ('82): Vinson & Elkins, Houston
 James S. Meyer ('82): Vinson & Elkins, Dallas
 Patrick C. Sargent ('82): Winstead Sechrest & Minick, Dallas
 Mark A. Todd ('82): Jenkins & Gilchrist, Dallas
 Belinda A. Vrielink ('82): Thompson, Coe, Cousins & Irons, Dallas
 Sherri T. Alexander ('83): Johnson & Gibbs, Dallas
 Russell Dale Chapman ('83): Godwin, Carlton & Maxwell, Dallas
 Jack T. Gannon ('83): Holmes, Millard & Duncan, Dallas



William B. Pasley, '65



James S. Meyer, '82



Mark A. Todd, '82

Firm Changes, New Firms . . . (cont.)



M. Kelley Albritton, '84



Laurie K. Dore, '84



Kurt C. Kern, '84

Susan J. Heike ('83): Cohan, Simpson, Cowlshaw, Aranza & Wulff, Dallas
 Melinda S. Huff ('83): Siford, Edson, Meyer & Jones, Dallas
 Carolyn V. Kelly ('83): Jenkins & Gilchrist, Dallas
 Albert G. McGrath, Jr. ('83): Holmes, Millard & Duncan, Dallas
 Mary L. Murphy ('83): Jenkins & Gilchrist, Dallas
 Steven L. Wilson ('83): Haynes and Boone, Dallas
 M. Kelley Albritton ('84): Strasburger & Price, Dallas
 Laurie K. Dore ('84): Thompson & Knight, Austin
 Ray B. Jeffrey ('84): Akin, Gump, Strauss, Hauer & Feld, San Antonio
 Kurt C. Kern ('84): Strasburger & Price, Dallas
 Roger L. McCleary ('84): Beirne, Maynard & Parsons, Houston
 Lisa Ann Peterson ('84): Kelly, Hart & Hallman, Fort Worth
 Virginia H. Sheehan ('84): Jackson & Walker, Fort Worth
 John K. Vaughan ('84): Riddle & Brown, Dallas
 Marjorie D. Arneson ('85): Johnson & Gibbs, Dallas
 Mark H. Beall ('85): Smith & Underwood, Dallas
 James C. Collett ('85): Ernst & Young, Dallas
 Bruce R. Epstein ('85): Stutzman & Bromberg, Dallas

John W. Greene ('85): Decker, Jones, McMackin, McClane, Hall & Bates, Dallas
 Randall D. Moore ('85): Shannon, Gracey, Ratliff & Miller, Fort Worth
 David W. Ralston ('85): Smith & Underwood, Dallas
 William S. Banowsky, Jr. ('86): O'Neill, Banowsky & McClure, Dallas
 Trevor L. Pearlman ('87): Silber, Kolitz & Pearlman, Dallas

New Associates

Terry R. Abel ('82): Jones, Day, Reavis & Pogue, Dallas
 Carla M. Brundage ('84): Haynes and Boone, San Antonio
 Ray Jeffrey ('84): Akin, Gump, Strauss, Hauer & Feld, San Antonio
 Lisa A. Peterson ('84): Kelly, Hart & Hallman, Fort Worth
 Kelly G. Rogers ('85): Riddle & Brown, Dallas
 Lisa A. Stegall ('85): Thompson, Coe, Cousins & Irons, Dallas
 David M. Dean ('86, LL.M. '90): Jackson & Walker, Fort Worth
 Mary M. Hamaker ('86): Legal Department, Pacific Telesis Group, San Francisco

Brigitte M. Kimichik ('86): Sheinfeld, Maley & Kay, Dallas
 James E. Pennington ('86): Misko, Howie & Sweeney, Dallas
 Gary G. Short ('86): Vinson & Elkins, Dallas
 Douglas S. Clarkson ('87): Legal Affairs Department, Parkland Memorial Hospital, Dallas
 John E. DeFeo ('87): Thompson, Coe, Cousins & Irons, Dallas
 Neal A. Kennedy ('87): Milgrim, Thomajan & Lee, Austin
 James Lee Mitchell, Jr. ('87): Baker, Glatt & Middleton, Dallas
 Michael A. Moss ('87): Legal Department, City of Houston
 Diane F. Norwood ('88): E. Thomas Bishop, P.C., Dallas
 Todd E. Tyler ('88): Kelly, Hart & Hallman, Fort Worth
 Steven B. Jackson ('89): Hyatt Legal Services, Irving
 Sylvan S. Lang, Jr. ('89): Plunkett, Gibson & Allen, San Antonio
 Barbara B. Malin ('89): Andrews & Kurth, Dallas
 Virginia W. Pennington ('89): Sheehan, Young & Culp, Dallas
 William E. Ridgeway ('89): Taylor & Mizell, Dallas

Marriages

Patrick C. Sargent ('82) and **Monica Naver**, July 15, 1990.
Judy Ann Keller ('90) and **Michael Wayne Shore** ('90), May 18, 1991.

Births

Elizabeth A. Emmert ('87), and her husband **John Henzler**, announce the births of **Sarah Elizabeth Henzler** on September 3, 1989, and of twins **Kathryn Victoria** and **Diana Christine Henzler** on April 13, 1991.
David W. Jones ('88), **Thompson & Knight**, Dallas, announces the birth of his son **Bryan Geoffrey** on August 21, 1990.

International Graduates

Bangladesh—**S.V. Ramanna** (LL.M. '60) is principal of B.M.S. College of Law in Bangalore.

Colombia—**Hernando Gómez-Otálora** (LL.M. '57, J.D. '71) reports that he has served as justice of the Supreme Court of Colombia and vice chairman of the Constitutional Chamber since 1986. He was elevated to this position following the murder of several justices of the Supreme Court and of the Council of State, and the burning of the Justice Palace. Prior to accepting this position, Justice Gómez-Otálora was dean and professor of law at the School of Law at Los Andes University, Bogotá.

Special Events for Graduates

The following events honored graduates and friends of the law school:

January 9, 1991—dinner with **Dean Rogers**, while he was attending the NCAA convention in Nashville, Tennessee, hosted by **Matthew C. Lonergan** ('83)

January 17, 1991—Council for Excellence annual meeting and reception in the Tower Club, Dallas, at which **Dean Rogers** and **Underwood Law Library Director Gail Daly** spoke of renovation plans for the library

February 5, 1991—Corporate Counsel's Council luncheon at SMU, spon-

sored by **Winstead Sechrest & Minick**, Dallas, at which **Nicholas H. Hills** of **Trowers & Hamlin**, London, spoke on "A Lawyer's Perspective to Challenge and Opportunities in the Arabian Gulf"

February 7, 1991—reception and dinner with **Dean Rogers** at the **Washington Athletic Club**, Seattle, hosted by **R. Broh Landsman** ('79)

February 25, 1991—**William M. Boyd** ('63) and Judge **James B. Zimmerman** ('61) of **Boyd, Veigel & Hance**, **McKinney**, presented the **Mack Vines** case to law students during **Law Week**

February 28, 1991—reception honoring all law school volunteers at the home of **Dean and Mrs. Paul Rogers**

March 6, 1991—reception and dinner at SMU for the law school's Board of Visitors

March 8, 1991—1990 law school class gathering in Dallas hosted by **Betty Ellsworth** ('90) and **Monty Watson** ('90)

April 4, 1991—Law Alumni President's reception at the home of **Judith K. Johnson** ('75)

April 10, 1991—reception with **Dean and Mrs. Rogers** in Houston at the home of **Jo Claire** and **Henry Gissel** ('61)

April 11, 1991—reception with **Dean Rogers** at the **Town Club**, **Corpus Christi**,

Upcoming Events

Executive Board Meeting

September 19, 1991

Kansas City

September 26, 1991

Dean Rogers to host a reception

Telethon - Lawyer's Inn

October 8-10, 15-17, 1991

Major Donor Reception & Law Alumni Council Meeting

November 14, 1991

Fourth Annual

Irving L. Goldberg Lecture

January 30, 1992

Speaker - The Honorable

Hubert L. Will from

Chicago, Illinois

Law Alumni Council Meeting & Distinguished

Law Alumni Awards Dinner

May 7, 1992

Reunions

May 1992

Law Classes for the
following years:

1941

1942

1951

1952

1961

1962

1971

1972

1981

1982

October 19, 1991

Saturday

Law school students and
graduates to participate in a
Student Bar Association picnic
to raise funds
for the law school.
To be held at Sorority Park –
corner of Daniel and Dublin.
Invitations will be mailed
to each graduate.

Special Events (cont.)

hosted by **Robert W. Woolsey** ('50)

April 23, 1991—Corporate Counsel's Council and Council for Excellence luncheon, sponsored by Baker & Botts, Dallas, at which A. Kenneth Pye, president of SMU and professor of law, spoke on "The Law and Terrorism"

May 9, 1991—Distinguished Law Alumni dinner honoring **Donald L. Case** ('39) and **Sidney Stahl** ('56), hosted by the SMU Law Alumni Association Council

June 6, 1991—reception and dinner at Kelly Square in the Sherman/Dennison area hosted by **Robert W. Minshew** ('63) and Judge **Lloyd W. Perkins** ('74)

Upcoming CLE Programs

Topics planned or under consideration for the 1991-92 Continuing Legal Education program include:

Effective Depositions
Business Litigation
Negotiation and Settlement in the 90s
Real Estate Law
Mastering the Craft of Trial Advocacy
Commercial Lending Institute
Advanced Civil Trial Short Course
White Collar Crime Seminar
Federal Tax Litigation Conference

Twenty-Fifth Annual Air Law Symposium

SMU School of Law celebrated the 25th Annual Air Law Symposium this year on March 21-23, 1991, at the Anatole Hotel in Dallas. The symposium, an annual event run by the editors and staff members of the *Journal of Air Law and Commerce* and underwritten by a number of corporate sponsors, attracts participants from around the world. This year, according to symposium editor **Colin Cahoon** (3L), over 500 attorneys, insurance adjusters, members of the aviation industry, students, and faculty attended.

The subjects presented at the symposium ranged from topics on the effects of terrorism on the aviation indus-

try to recent advancements in the Doppler radar systems. The symposium's keynote speaker, Herbert Kelleher, chairman of Southwest Airlines, expounded on the current state of the airline industry. Approximately 20 speakers presented papers before the general assembly, including plaintiffs' attorney Lee Kreindler, SMU law professor Linda Eads, and Fifth Circuit Court of Appeals Judge Edith Jones. In remarks at the Thursday evening banquet, Dean Paul Rogers commented that the SMU Air Law Symposium provided an enviable example of cooperation between the academic and practicing sectors of the legal community.

Fifth Circuit Court of Appeals

The law school was privileged to have a Fifth Circuit Court of Appeals three-judge panel hearing cases at the school last February. For four days, students and faculty were able to hear oral arguments in some 16 cases covering a full range of legal issues, from tax fraud to medical malpractice, criminal procedure to age discrimination. The panel included two jurists well known to the law school: Judge **Irving L. Goldberg** (LL.D. '75), who is honored at the school by the lecture series bearing his name, and Judge **Patrick E. Higginbotham**, an adjunct professor of law. They were joined by Judge **Edith H. Jones** of Houston.

Change of Address/Alumni News

The Brief invites graduates to write the Office of Development and Alumni Relations with news of interest such as a change of status within a firm, change of association, or selection to a position of leadership in the community or in a professional organization. Announcements of births and deaths are also appreciated. Katherine L. Friend, Director of Development and Alumni Relations, Storey Hall, Dallas, TX 75275-0116.

Name _____ Class year _____

Home Address _____

City _____ State _____ Zip _____

Firm organization _____

Office address _____

City _____ State _____ Zip _____

Home telephone () _____ Office telephone () _____

News (attach a separate sheet if necessary): _____

Placement

Please return this form (1) if your firm or organization expects to have a job opening this year, (2) if you are willing to talk to students about job opportunities in your area, or (3) if you wish to receive the placement newsletter subscription: \$20 for a year or \$10 for 6 months

Name _____ Class year _____ Telephone () _____

Expect openings for third-_____, second-_____, and/or first-_____ year law students.

Date position(s) available _____

Firm/organization name _____

Address _____

City _____ State _____ Zip _____

Please attach a sheet describing position(s) and indicating requirements.

☐ I am willing to talk to students about job opportunities.

☐ Please send the alumni placement newsletter to this address:

City _____ State _____ Zip _____

Admissions

Please return this form (1) if you wish to recommend candidates for admission, or (2) if you are willing to talk with prospective students about the Law School.

Name _____ Class year _____ Telephone () _____

Address _____

City _____ State _____ Zip _____

Candidate for admission:

1. Name _____ Undergraduate school _____

Address _____

City _____ State _____ Zip _____

2. Name _____ Undergraduate school _____

Address _____

City _____ State _____ Zip _____

Return to
Development and
Alumni Relations Office
SMU Law School
Storey Hall
Dallas, TX 75275

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